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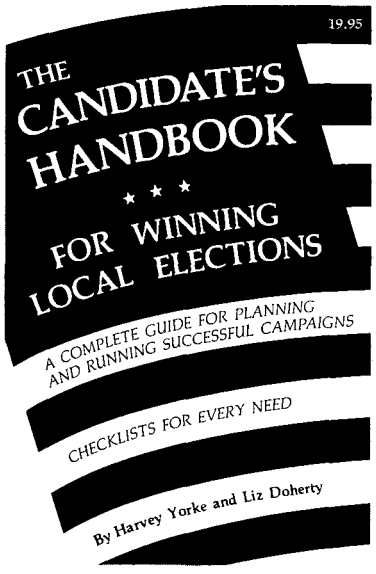
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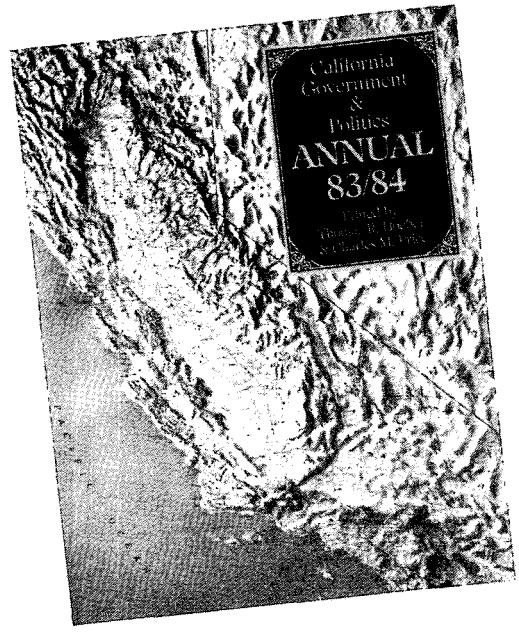

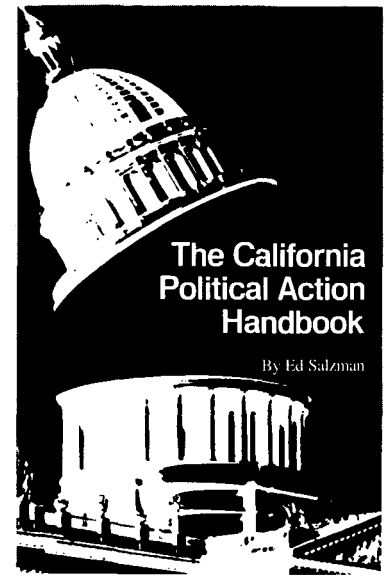

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California Journal

The Monthly Analysis of State Government and Politics

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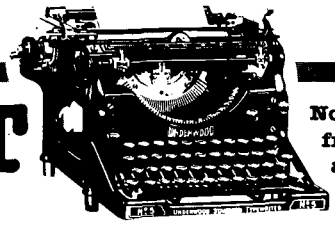
UP FRONT



Notes and Items from Contributors and the Journal Staff.

It's clearly a coincidence — but it's also true — that another woman named "Judith" may be undoing another political career. Most recently, it's Judith Ahrans, a surprise witness in the recent trial of state Senator Dan Boatwright, an ambitious Democrat from Contra Costa County. Ahrans, Boatwright's former lover, testified against him and in support of allegations that he was involved in an under-the-table deal with shopping center developers. Boatwright says she is trying to make him sorry for breaking off their three-year relationship. All of which recalls Judith Song, former wife of former state Senator Al Song. In 1978, during a bitter divorce battle, she began talking to the FBI about Song's receipt of campaign contributions and gifts from various interest groups. Although no charges were ever filed against Song, the subsequent FBI investigation helped end his Senate career. Song returned to the Capitol in 1982 when former Governor Jerry Brown appointed him to the state's Farm Labor Board. The verdict in the Boatwright case, which was heard without a jury, is still due.

Sacramento's private bill reporting services are putting out so much information these days about so much legislation that some local school officials don't know what to do with it all. So says their would be rescuer, Ed Silverbrand, education lobbyist and newsletter publisher. He's selecting the top 30 bills of the upcoming session and — for $75 a month — will report to his clients only on their progress, if any, through the Legislature. His list is not complete, but will include, he says, such measures as the one to ban job discrimination against homosexuals. His clients won't be bothered by such as the bill to change membership on the board that runs the state teachers retirement system.

Few of Governor George Deukmejian's budget cuts got as much media attention as the blue line he drew through the $1.1 million for the California Public Broadcasting Corporation. The most popular explanation at the time for the cut? A conservative governor was politically and ideologically opposed to the state's liberal-leaning broadcast agency. There were even hints that the Reagan administration had intervened to help kill it off. Now, however, it appears that the governor wasn't the only one who had it in for CPBC. According to critics, by the time Deukmejian activated his blue pencil, the CPBC's dabbling in areas like telecommunications and cable deregulation had gathered a diverse array of enemies including powerful members of the Legislature, the state network of public radio stations, the state Office of Information Technology and the Department of Finance. In addition, an Auditor General's report, issued in May 1983, indicated that, among other things, the agency had ignored statutory requirements for grants and project funding and had mismanaged its budget. All this, critics say, made it much easier for a conservative governor to do away with what had become a controversial and troublesome agency.

(Thomas A. Davis, Oakland)

Last month in this section, we asked whether the Deukmejian administration was planning to lower water-quality standards in the Sacramento-San Joaquin delta by dividing the functions of the state Water Quality Control Board. Currently, the board oversees both water-quality and water rights, and some have said that if those two functions were split, the board would no longer have the statutory authority to set water-quality standards. A parently, the administration has decid not to tamper with the board. Accordi to sources, the Duke's people believe th tinkering with the board may genera opposition in the Legislature, where t administration will need all the friends can get for any new water developme program.

We also reported last month that t Capitol press corps might forsake the E Building in search of greener (a cheaper) pastures. They too have now c cided to hold fast. "There wasn't enou interest in moving," says Rich Zeiger the *Riverside Press-Enterprise*, the cor one-man housing committee. Zeiger sa this is a temporary permanent decision

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Orange County political campai consultants Howard Adler and Fred Dr have merged their firm with consulta Harvey Englander's to become — wh else? — Englander/Adler & Droz. En lander says his name comes first becau Adler and Droz moved into his office, Newport Beach, and not he into theirs

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Commissioned for $5,000 in 1981, a ist Stephen Zaima's black-and-white a

Season's greetings from the staff of *California Journal*. Left to right: Robin Robinson, A. G. Block, Cat, Thomas Hoeber, Robert Fairbanks, Barbara Aguirre, Jim Muldavin and Mary Gillis. Kneeling: Chris Van Overloop.

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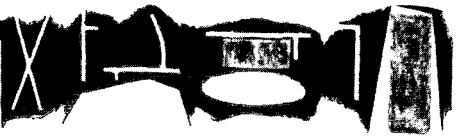

tract painting (shown above) currently ecorates the sides of a projection booth n the auditorium of a state office building n Long Beach. But the chief deputy di- ector of the California Arts Council, Deukmejian appointee Robert Reid, oesn't like it. In an October letter to art- t Zaima, Reid said the mural "has gen- rated an almost violent reaction from veryone," that building tenants feel so nsulted" by the work there is a serious nreat of vandalism and that Zaima's reputation is in serious jeopardy." He nen insisted that Zaima fly to California rom his home in Syracuse, New York, to nake "needed changes."

Zaima's reply in effect asked for evi- ence to support Reid's various allega- ions. In a November letter, the artist lso wanted to know what changes Reid ad in mind.

Apparently, that was enough to cool eid's anger. He says he wrote his letter nly to get Zaima's attention and, having one that, he plans no answer. "I guess e're stuck with it," he now says of the nural.

Apparently, there's no way to get any- hing done about government without irst forming a commission. The Center or Responsive Government, an organi- ation in west Los Angeles, is doing a big eport on campaign financing. But who ould believe anything from a "center"? hus, the center is about to become "The alifornia Commission on Campaign inancing" — with 15 members, no less.

Maybe Republican state Senator Ollie peraw wants to be a saint. Speraw, re- pportioned out of his Long Beach dis- rict last year, was nonetheless fiercely letermined to carry on. Thus, he moved outh into the new 37th District, which s safely Republican, and hoped to be lected from there. But GOP Assembly- oman Marian Bergeson of Newport Beach also wanted the Senate seat, re- used to withdraw and eventually caused peraw to abandon his plan. Wasn't he even a teeny bit upset at her for having elped end his political career? Perish he thought, Speraw says. In a recent ews release endorsing her for the seat, peraw contends that earlier reports of is bitter plans to undo her were the roduct of "certain frustrated fiction- riters of the news media."

Much as he might like to appoint batches of new judges, thereby making friends and perhaps shaping future court decisions, Governor Deukmejian is said to be considering shutting down an appellate division in San Francisco. For the sake of economy, it is said, the First Appellate district would lose its Division Four. Two of the four justices on the panel are about to retire. The other two would be reassigned to the new appellate district that San Jose was supposed to get in 1982. Deukmejian, remember, put the San Jose division in limbo when — as attorney general — he voted down Jerry Brown's appointees. Thus, the governor would make one appointment to fill out the three-judge panel in San Jose and would save a bundle by shutting down a four-judge division in San Francisco. But can he resist the pleasure of making another four appointments? And what would all those Republican lawyers who are looking for judgeships say?

Last November, Santa Barbarans voted down a proposal to spend public money for locating a big Bullock's Department Store in their downtown business district. During the campaign, one name that pro-Bullock's people considered linking with the other side was that of controversial Tom Hayden, activist-turned-Democratic Assemblyman. But his name never surfaced. Why? Perhaps because in 1982 Hayden received a $500 contribution from Federated Department Stores — the corporation that owns Bullock's.

(Jerry Rankin, Santa Barbara)

One of the better known pro-growth lobbying groups around the Capitol has a new president. The group is the California Council for Environmental and Economic Balance, the organization financed largely by business and labor groups. The new leader is Peter Fearey, a former staff member. On February 1st, Fearey is to formally succeed CCEEB founder Michael Peevey, who is leaving to become a vice president (for governmental affairs) of Southern California Edison Company.

Lou Angelo has left the Senate Office of Research to become lobbyist for the State Personnel Board. Having first gone to work for the Legislature 24 years ago, and having once been chief administrative officer of the Assembly, he should know his way around the halls.

Doug Willis, AP's Sacramento bureau chief, had a different Thanksgiving — in the hospital. Like former President Nixon, Willis was struck by phlebitis, an ailment caused by a blood clot, probably from some past injury. Nixon, of course, recovered quickly, and went on to bigger things. Willis also has recovered quickly.

Several readers have complained about the picture of U.S. Senator Alan Cranston in last month's issue with a target superimposed over his face. "History has too often proved that some people out there accept these kinds of inducements in a literal way," wrote Ryland Kelly of Palo Alto. We agree, and can only say that the picture wasn't supposed to have been quite that bad. The target was to have been barely visible in the background, but a production error brought it to the fore.

For the Deukmejian administration, it must appear as though old Brownies never die — or even fade away. Seems the Duke's toxic waste program will be analyzed on behalf of the Little Hoover Commish by a newly formed consulting firm, Toxics Assessment Group. And who is this firm? Seven former Brown administration professionals whose jobs were blue-penciled from the budget last August. The seven (Ken Finney, Kent Stoddard, Megan Taylor, Kevin Shea, Phyllis Tichinin, Peter Deibler and Mike Picker) are former employees of the Office of Appropriate Technology or Office of Planning and Research and are under contract to the Assembly Rules Committee as well as to Little Hoover. According to the *Sacramento Union,* some of Deukmejian's people are concerned that the group may not be able to produce a fair report. "Our loyalty has always been to the issue, not partisan politics," the *Union* quotes firm member Kent Stoddard.

Treat the earth well.
It was not given to you by your parents; it was loaned to you by your children.

— Kenyan proverb

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814.*

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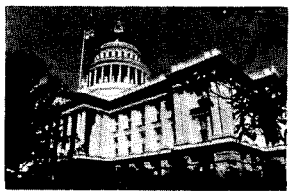

Capitol review

December 9, 1983

California legislators end their three and one-half month recess January 3rd, returning to the Capitol for the second half of the 1983-84 session. By all accounts, there will be more state money to spend in the new year than there was in 1983, but not nearly enough to satisfy the educators, public employees, welfare recipients and all others in line. As a result, the overall pattern looks to be much the same as last year: Democratic majorities in both houses seeking to increase funding for schools, etc. while a Republican governor seeks to hold spending down. Since the governor holds the top cards (veto power, plus a Republican minority to protect him from overrides) he will get much of what he wants.

But there are other big issues as well, not the least of which is one that has been vexing the Legislature for the past two years and may be ready for resolution in 1984. The issue is campaign finance, a phrase that covers the grueling and often seamy business of raising money for political campaigns.

Current law

Under current state law, there are no limits on how much a candidate may raise or spend. Nor are there limits on what a contributor may give. As a result, the variety of forces that have driven the cost of individual legislative campaigns past the $1 million dollar mark remain uncontrolled and promise to drive costs ever higher. The problem is that relatively few members of the public have the desire or the wherewithal to help candidates meet those costs. Most of the money comes from so-called "special interests" that expect some benefit in return. Having taken the money, and knowing that more will be needed in the future, the individual lawmaker simply cannot always say "no."

About a decade ago, when the shape of things was already fairly clear, a group of reformers decided that the most practical and politically feasible step was to require disclosure of what was going on. The result was the Political Reform Act. Approved by voters in June of 1974, it set up detailed reporting requirements covering both political campaigns and lobbying activities. At the time, many believed that the mere existence of reports showing the cash flow between campaign contributors and lawmakers would embarrass both sides into restraint.

In a sense, things are working out that way, though it probably has taken longer than most people then thought it would. For several years after 1974, the enforcement arm created by the new law, the Fair Political Practices Commission, was the only agency that pulled together the hundreds of separate campaign reports to show the patterns that existed between individual lawmakers and various special interest groups. However, the information was new, unfamiliar and — because the FPPC lacked resources for frequent updatings — was often a year or so old. As a result, reporters at the Capitol (and elsewhere) made relatively little use of it.

But all that has changed. Within the past three years, news organizations have been able to buy private, computerized services that have taken the individual campaign reports, inserted them into a data base and achieved the ability to pour forth names, sources and amounts on command — and all of it updated regularly. As a result, news stories linking individual votes with campaign contributions have become relatively common.

During the 1983 session, for instance, developer Richard Traweek had a bill introduced in the Legislature to overturn a San Francisco condominium control ordinance. However, the measure became extremely controversial and died under a barrage of news stories that inevitably included details of his contributions to the lawmakrs who were supposed to be impartially voting on his measure.

In an analysis of campaign spending released early in December, the California branch of Common Cause says that this "increased visibility of campaign financing realities" is one of the reasons for believing that campaign finance reform legislation may be enacted in 1984. The organization sees "a growing public perception that the search for ever increasing amounts of special interest campagin contributions is having a very sizeable and negative impact on the political process. That perception is providing, and will continue to provide, substantial fuel for reform efforts."

Peace of mind

The Common Cause analysis, entitled "Twenty Who Gave $16 Million," is an updated version of the organization's 1981 analysis entitled "Twenty Who Gave $10 Million." Essentially, both reports examine the activities of the state's top 20 givers (The California Medical Association heads the list) to buttress the organization's contention that campaign finance needs reform.

None of this is to say that campaign finance reform is likely in 1984 because of public pressure on politicians who would otherwise be revelling in it all. As Common Cause points out, there are other reasons as well, including a growing belief among Republicans that they no longer hold an edge over Democrats in the ability to raise campaign cash. Thus, many more of them are willing to consider public financing and spending limits as a means of reform.

But perhaps more important than that is the fact that many lawmakers are themselves dismayed and embarrassed by their constant requests to special interests for cash. If reform occurs in 1984, it will be because they have decided that for their own peace of mind, as well as the public interest, enough is enough.

Robert Fairbanks

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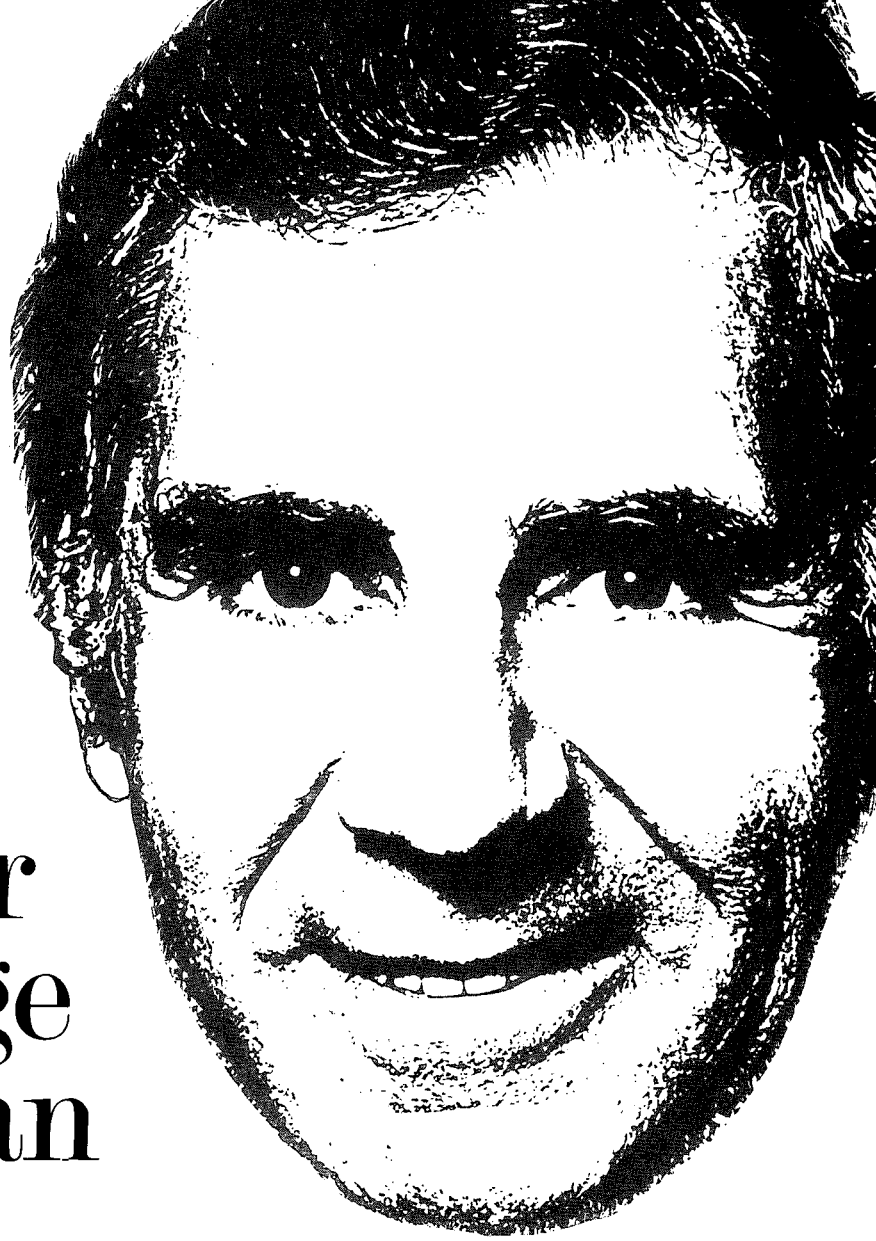

An interview with Governor George Deukmejian

This interview with Governor George Deukmejian was conducted November 28, 1983, in his Sacramento office.

Journal: Governor, you are completing your first year in office and the general view is that it's been a success. You've held the cost of state government pretty much in line; you haven't had the kind of general tax increase that you didn't want; and you established yourself as a leader insofar as the Legislature is concerned. But with all your success in the first year, there has been an undercurrent of criticism, largely from environmentalists and people who are concerned with your policies regarding growth and development. The criticism is not that you are pro-growth but that you are pro the old kind of California fast-buck growth; that is, sub-divisions leap frogging out into the farm lands without too much concern for the energy costs and for the costs of infrastructure: school buildings, new fire departments, all that sort of thing.

Deukmejian: First of all, I don't think there's any evidence to support that kind of criticism. I think that what we have attempted to do is to say that environmental concerns should certainly be addressed. We're not suggesting that any kind of development trample upon the existing laws that are there to insure that we maintain as high a quality of environment as possible. We are saying, though, that there does need to be a speed-up of the process. It takes entirely too long to address some of those concerns and, in the process, it becomes so extremely expensive and cumbersome that it tends to turn away those people and companies that want to provide much needed housing.

Journal: The question doesn't so much concern local planning regulations or environmental impact reports and those kinds of technical regulations that cover growth and planning. The question is: If we continue building freeways and subdivisions out into the hinterlands as we have before, what do we do, for example, if the Iranians shut off the oil?

Deukmejian: Well, there are several things that we are working on at the present time. One of course is to insure greater supply of energy for California's needs now and in the future in the sense that we are in discussions with representatives of Oregon and Washington, where they do have a surplus supply of energy available, and at what we hope will be a very reasonable price. That is generated primarily from their sources of hydro-electric power and I think some nuclear power as well. We also, of course, have various contingency plans that are in place and that we are trying to refine in terms of how do you handle a situation in the event that there is that kind of reduction of oil supplies coming from the Persian Gulf. We are also of course supporting a balanced and again environmentally sound method of off-shore oil development. We're looking at available sources, all sources, in the area of additional energy. We're also in the Energy Commission continuing to go for-

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ward with supporting more development of geothermal, of the use of the wind machine type of creating energy. That is growing, that's expanding. We're supporting conservation. I grant you they're not going to create a tremendous amount of additional energy overnight, but I think we are going to be in a much better position long range if something like that happens with the sources from the Persian Gulf.

Journal: How about mass transit, the thing that would be most necessary if there were some kind of a shortage, say in the next three or four years. Your emphasis has been on freeways, the machine that drives much of this kind of growth. Do you see any harm coming from that kind of development if the oil supply is cut off?

Deukmejian: I don't think that you can or that you should withhold the needs that people have at this time on what is a contingency that we have no idea of whether it will ever arise or not.

Journal: It's arisen twice in the past decade.

Deukmejian: Well, that's true. But we are going forward with trying to develop additional alternate sources of energy. But at the same time I don't think that it's appropriate for the government to say, in effect, we're going to slow down the growth of housing or that we're going to slow down the extension of the highway and the freeway system.

Journal: The question is not slowing down housing. It's building up instead of out, and to build up you need a better transit system.

Deukmejian: Well, it's our feeling and it's our policy that you've got to sort of let the market have the kind of flexibility that is necessary if you're going to be able to provide the housing at a price that people can afford. One of the biggest problems that we have right now is that in some areas of the State we cannot get additional jobs created because they say the housing costs are too high. Now, there are several ways in order to reduce the housing problem. One way is to allow a developer to buy land more cheaply if it's in an outlying area.

Journal: Another way is to increase the population density, isn't it?

Deukmejian: Yes and no. Again, it depends on the costs of even a highrise. In a heavy urban area it may or may not be. That's why I'm not an expert in it, but it seems to me that you have to let the market forces go their course.

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PESTICIDES

A major scientific scandal formally ended October 21st when a federal court in Chicago convicted three officials of a private laboratory firm of having falsified test results involving hundreds of drugs and pesticides. However, federal and state officials had known for years before that many of the test results were bad, including those that had been used to qualify a significant number of pesticides for sale in California. Although state law requires the director of Food and Agriculture to move against pesticides that were qualified with false, inaccurate or incomplete data, no action has been taken.

Journal: You've been saying that the health and safety of agricultural workers and consumers will be protected by the administration. Do you think that state government should allow these pesticides to continue being sold?

Deukmejian: Certainly not if there is any evidence at all to indicate that the pesticide is harmful. If the tests were not properly conducted, we certainly should immediately try to get proper tests conducted. If they are causing any kind of personal harm, they should be withdrawn immediately. To my knowledge, any of the pesticides where there has been any indication, they are immediately withdrawn. It's not only done by us but it's done by EPA.

Journal: There are still about 100 of them on sale.

Deukmejian: You are saying that the tests were not conducted properly? Is there evidence that these pesticides are harmful and that they're causing people harm?

Journal: We have regulations in California that say that if any pesticide was registered — that is, allowed for sale — with false, misleading or inaccurate data, then the director of Food and Agriculture should initiate suspension. At this time that suspension has not been initiated. The director's defense is that the data is still being studied. But in the meantime these pesticides are being sold without any evidence, without the requirements by law that they be proven safe before they are sold.

Deukmejian: Well, I will be happy to discuss that with the director. My understanding has always been that if there is any indication that these substances are harmful, that they would not be allowed to be used.

Journal: It's not that they are proven harmful. Before you can start spreading something, no one has to prove that it's harmful, the burden of proof is on the manufacturer to prove that it is safe, for at least up to certain limits.

Deukmejian: There have been various pesticides that have been properly tested, that have been registered and then have been used and later on they've been discovered that they can create harm, like in the case of this Oftanol that was being used here *(in Sacramento, against the Japanese beetle).* Now they find that it can cause problems at least to animals. So we stopped using it even though it had been thought that this was no problem and that there had been proper tests.

Journal: Why was it that the test you're talking about wasn't made until the people who were being subjected to Oftanol filed a lawsuit? Why didn't the state make that kind of a study initially?

Deukmejian: My understanding was that that particular commodity has been used for years and years and years all over the country, and there had never been any kind of a reported case. And to this day there is no reported incidences of anybody ever being harmed from it. So it was just, you know, assumed that there was absolutely no problem with its use. My point is that obviously, again, it's our

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policy if we have any indication, we'll move to withdraw it. I don't want to hurt anybody.

TAXATION

Journal: You are still against tax increases next year, aren't you? Do you look forward to eight years without any tax increases?

Deukmejian: Certainly I don't see any need for it at this time, and as long as we don't need it, it seems to me that it's better to allow people to have more spendable income. That helps to stimulate the economy and create more jobs.

Journal: How far ahead do you look with that?

Deukmejian: I don't have any specific number of years in mind. But again, as long as we're able to deliver the most essential services of government with the revenues that are coming in, I don't see any need to unduly burden the taxpayer.

Journal: Would that lack of need go through 1984-85?

Deukmejian: Well, as of today from the estimates and projections that have been made, I would say yes. That's a fair statement.

Journal: Does that cover any additional tax loophole closings?

Deukmejian: We haven't made any final decision on that, but if we do propose any, it would be very minimal.

Journal: Do you intend to finance the extra $1.1 billion for public schools next year? *(The governor had vetoed that amount from the 1983 school reform bill.)*

Deukmejian: Well, here again we have not made any final decisions yet. It's certainly our intent to do more, and our intent to give our highest budget priority to education, both K-through-12 as well as higher education.

Journal: If you do go for a higher amount for education, would you want more reforms?

Deukmejian: Well, we may. We're probably now seeking more to just get the reforms that were enacted last year more fully implemented and effectively implemented. If we were to ask for some additional reforms, it may just be a couple. There were quite a few that were put into place. Now we just need to get those implemented effectively.

The state's pension fund for public school teachers is spending more than it is taking in. At the moment, its "unfunded liability" stands at $15.5 billion. Contributing to the shortfall is the fact that the Democratic-dominated Legislature and former Governor Jerry Brown had been cutting state contributions to the pension fund over recent years. But Deukmejian went further in the current fiscal year than Brown and the Democrats ever went, knocking out the entire $211.3 million state contribution.

Journal: You've talked about passing a balanced budget and not engaging in any hidden financing devices, and yet one of the ways you balanced the budget was simply by not paying a bill that was due. Now that's the kind of thing that you are accusing the Democrats of doing for eight years before you became governor. Or, do you feel that that's the kind of thing that you are accusing the Democrats of doing?

Deukmejian: Well, first of all, I can say that in this coming fiscal year, we certainly intend to allocate the funds that are needed and necessary to meet that payment. But that system needs even more than just the required annual payment. It was our feeling that under the kind of emergency conditions that we were faced with, the huge budget deficit, and short cash flow problems and the like, it was something that was necessary. We weren't going to create any greater damage than let's say already exists to that system. It is underfunded and it is going to require either some changes in the benefits or the eligibility or in greater payments. It's in need of some major reform. So it was our feeling that this wasn't going to create any greater damage than already existed.

Journal: Isn't that the same kind of argument that could have been made with the Democrats when they supported the . . .

Deukmejian: I suppose so. I suppose so.

Journal: Do you think it's fair to criticize them anymore?

Deukmejian: I think it's fair when you take a look at the fact that they went for four years spending more money every year than they were taking in. Now, we were confronted with a very critical situation: the humiliation of the State of California not being able to pay its bills in February and going to IOU's. And so recognizing that situation, I don't frankly think that it would be fair for us to be criticized for doing what we did in such a critical situation.

FAIN AND TRUCKERS

Early in his term, the governor used provisions of a little noted state law to keep convicted killer-rapist William Archie Fain in prison. Fain's lawyer protested, and an appellate court ruled that Fain should be released. The governor appealed, but the state Supreme Court declined to make a decision in the case, announcing that it would let stand the appellate court ruling.

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Journal: Governor, you said, when the Supreme Court did not rule on the Fain case, that the Court had abrogated its responsibility. What did you mean by that?

Deukmejian: Well, it was my feeling that this was a major type of issue, and I thought that they should have accepted the case and rendered an opinion. They failed to do that. They simply allowed a decision, which was a split decision, a 2-1 decision, by that particular division of the Court of Appeal to be the final decision on what was in our view a very significant area.

Journal: How does that differ from your letting a bill become law without signing it?

Deukmejian: Well, I don't know. I suppose it could be said that there are some similarities to that. I have, I think, perhaps the one difference. Whether I sign a bill or not, is generally an expression of my personal view on the subject. It's not an interpretation of an existing law. It's not going to be there and become a part of the law that thereafter has to be followed, if you follow me. The Supreme Court, or any court, when they make a decision, if that's a published decision, it becomes virtually like a statute. Everybody is suppose to follow that law. Whether I decide to allow a law to become a law without my signature is simply in effect expressing a view that while I don't particularly care for this, the Legislature passed it, it was an overwhelming vote, or maybe there were other reasons. But my decision not to sign doesn't have to be followed by everybody from that point on.

Journal: On that same subject, you allowed a bill by Assemblyman Bruce Young concerning truck weights to become law without your signature despite some very loud objections from the District Attorneys. The chairman of the D.A.'s Association legislative committee called the Young bill "complete unadulterated special-interest legislation to protect people who have committed a crime." That's Thomas W. Sneddon Jr. of the District Attorney's Association. Why did you let it become law?

The bill, AB83, in effect nullifies scores of prosecutions against garbage haulers and other truckers accused of damaging roads by running overweight vehicles on them. Specifically, it says that private weighmaster records cannot be used against the truckers until January 1, 1984. Since the cases, which could have cost the truckers several million dollars in fines, were based on records gathered before that date, the bill effectively destroyed them.

Deukmejian: Primarily, if you looked at the vote in the Legislature on that, the bill in the form when it passed both houses passed unanimously. On the conference committee report, there were only two no-votes in the total of both houses. Also, the point of the bill was to say, starting in January, these particular records would be available to law enforcement for use if they wanted to determine whether or not they were overloading these trucks. The records had not been used for that purpose in this fashion until, I guess, just recently.

Journal: Those weight records were being used in Santa Barbara, Ventura and Los Angeles counties. Mr. Sneddon said several million dollars worth of fines would have been collected had those weight records been allowed to be used.

Deukmejian: As I said, they were just sort of starting to do that within the last year or so. Up until that time they had not been used, so this law was introduced to say starting in January these records will be available.

Journal: But they were available before.

Deukmejian: Well, they may have been available but they were never used. In other words, it wasn't the case of where everybody in the industry was aware that these records were now going to be used. These records were actually to determine how much to charge for the amount of weight of the substances that were going to be dumped in those particular dumps. Well, I'm just saying that these were the conditions and this was the situation. When the D.A.'s Association objected, certainly I was concerned about that, and that's why I didn't sign the bill. But I also felt that that overwhelming vote that had been cast by the Legislature, that I had to give some consideration to that as well. So I allowed the thing to become law without my signature.

Journal: Has anything during the first year surprised you?

Deukmejian: Well, I guess my major surprise and disappointment was the kind of opposition that we received from the legislative majority, virtually from day one. I had thought that they would be more willing to give us an opportunity to see if our programs would work and would resolve many of the major problems that we inherited, especially considering that they had been in total control for eight years, both in the executive and in the legislative. So, that was rather surprising.

Journal: Imagine you've been governor for eight years. You've indicated that you will run in 1986. What would you want people to say about your governorship? What vision do you have? What do you want written as the history of the Deukmejian administration?

Deukmejian: Well, I would hope that people would feel that they achieved a greater opportunity in life living here in California than they had prior to when we came in. That they had a better opportunity of getting better education. That they had a better opportunity of getting a job once they had an education or training. And that overall, that their quality of life had improved.

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PETER KELLY COUNTS THE WAYS

Democratic Party launches broad fund-raising effort

By RICHARD BERGHOLZ

When 35-year-old Peter Kelly became Democratic state chair last January, he wasn't too surprised to discover the party was out of money. After all, that's the way things should be after a big election; parties are expected to spend all their money in the effort to win. But he was a bit shocked to discover that, as an aide said, "no one seemed interested in giving us any money."

What had happened was that the traditional sources of campaign contributions — the lobbyists and special interests — were already tapped out, having been hit with increasing fervor over recent years by legislative candidates from both parties. Kelly does not like that trend, believing that it heightens the public perception of politicians as supplicants before the special interests, willing to trade their votes for dollars. So he has a new plan.

Beginning about January 15th, he plans a series of news conferences around the state to explain what can be done to mitigate the aura of special-interest politics — namely, to have many persons give small contributions to the party and diffuse the impact of third-house money. And the first thing on his mind is the new state income-tax checkoff program under which taxpayers can contribute directly to the political party of their choice, usually out of any refund the taxpayer has coming.

A prime mover

Kelly was the prime mover in getting that landmark legislation enacted in 1982. It is not public financing of political campaigns, because a taxpayer's contribution to the party is added to his or her tax bill — or, in the case of refunds, subtracted from the refund.

Figures show that for the first 11 months the checkoff system has been in operation, Democrats have picked up $236,000 and Republicans $140,000. The 1984 tax-filing period should provide another $250,000, Kelly believes, and, according to the terms of the law, he, Assembly Speaker Willie Brown and Senate President Pro Tem David Roberti will allocate funds for the general election.

It costs the Democratic Party about $40,000 a month just to keep its offices open, and Kelly has a goal of raising $1.5 million for the 1984 campaigns, most to be used in helping party candidates win. The checkoff system may become a reasonably secure and dependable means of helping candidates win — and thereby enhancing the voice and occasional discipline of the party. But it will never move the party into a major role in financing candidate campaigns.

The important thing now, Kelly says, is to make sure Californians know about the system. He plans to send letters to Democratic-registered accountants, tax preparers and consultants, urging them to educate their clients on the system and to encourage them to participate. He will also call on about 160 Democratic "coalition groups" — those with a natural and customary affinity for the party — to use their combined newsletters to pitch for the program. That pipeline could reach as many as 4.5 million persons, he says.

There are other ways he hopes to raise money for the party. One is being run now out of St. Cloud, Minnesota — on contract with the California Democratic Party — by the phone solicitation firm of Larry Meyers and Associates. Working from prospect lists supplied by the Californians, callers ask Democrats to join the Sustaining Member program at $10 per month through a credit card payment system. For those who find that too steep, one-shot contributions are solicited, again by credit card. Out of this comes computerized lists which Bank of America uses to collect the funds. Anticipated net to the party in 1984: $350,000

Miles ahead

For years, Republicans have been miles ahead of the Democrats in using direct-mail to draw campaign funds. Kelly says that's still the case, although the gap is narrowing. A Washington, D.C., firm — Bob Jones and Associates — has the California contract, and Kelly says he expects to net $100,000 in 1984.

Big givers aren't being ignored, despite the fact Speaker Brown and Senator Roberti have leaned heavily on many of them to raise the $3 million they spent in the 1982 elections. The state party now has 14 members of The Chair's Council — those who pay $10,000 a year for the privilege of helping the party and rubbing elbows with its leaders — and Kelly hopes to boost the membership to 25 in 1984. There are 69 members now of The Californians — those who pay $2,500 a year — and he hopes to increase the membership to 100 in the coming campaigns. And there are almost 300 members of The Chair's Circle — who pay $250 per year — and he wants to build it up to 500 members.

All of these efforts obviously are intended to make the state party financially sound and to provide money and services to Democratic candidates so they won't have to be so dependent on special interests. But Kelly will be among the first to concede that the way things are going, lawmakers will continue to rely on special interests to fund their increasingly expensive campaigns. Tom Houston, former chairman of the state's Fair Political Practices Commission, calls this "corrupting and almost irresistible."

Is public financing of campaigns the answer? Should there be limits on how much a candidate could raise or spend to win? Kelly said he hopes so.

Richard Bergholz, former political writer for The Los Angeles Times, *is a frequent contributor to the* Journal.

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The California Journal's

ASSEMBLY ROOKIE AWARDS

By A.G. BLOCK

To many, the Assembly rookies of 1982 are the smartest, slickest crop of newcomers to charge onto the Sacramento field since the glory days of 1964 and 1966. (Who could forget the future sluggers who debuted back then: Willie Brown, Bill Campbell, Ken Cory, March Fong Eu, Bob Moretti, Dave Roberti, Pete Schabarum and Pete Wilson, to name a few.) "They're here to get things done," says a senior staff member. "Individually, these are high caliber, impressive people."

Unlike the state Senate, which had only three fledgling lawmakers, the Assembly's 24 freshmen (16 Democrats and eight Republicans) represented one of the largest groups to enter the legislative league in many a season. And one of the most experienced; seven pitched in local government, seven were staff aides to legislators or elected officials and two did both. But in such a large class, it is sometimes difficult to sort out the comers. Who will be the heavy hitters in California politics? To help determine this, the *Journal* polled veteran members, senior staff and lobbyists to help name the top freshmen in the Class of '82.

ROOKIE-OF-THE-YEAR

Lloyd Connelly

Sacramento

(Age: 38; Democrat — 6th District)

Committees: Judiciary, vice-chair (vc); Revenue and Taxation; Policy Research Management; Finance and Insurance; Human Services.

Subcommittees: F&I Unemployment and Disability Insurance, chair (c).

A unanimous pick. According to most, Connelly is the hardest worker not only among freshmen but in the Assembly at large. As a result, he is regarded as the lower house's best-prepared lawmaker in committee hearings and in floor debate. He's also

LLOYD CONNELLY – 6th District

wasted little time before tackling what one consultant called "the weighty tasks" like toxic waste disposal, light-rail transportation, care for the elderly, political campaign reform, parolee release and Medi-Cal contracting. And, most agree, he's handled himself with a sophistication that belies rookie status.

Said one committee consultant, "He gave the best presentation I've ever seen on a bill." Instead of just pitching information, Connelly went out of his way to learn what about the bill troubled the committee. "He was deferential and well-reasoned — and he knew the subject cold," the consultant added, in a typical comment about Connelly.

As was: "He's concerned with the public weal," said a veteran lobbyist. "As a result, he wants to know how a particular bill will impact the public."

A rumpled, thoughtful man, Connelly, according to one colleague, comes across like a neighbor rather than a political rival, displaying a quiet, yet savvy style that has earned the respect of friend and foe alike. "He avoids confrontation, but plays a 'win-win' game," explained another member. "Everybody comes out looking good."

An attorney, Connelly spent seven years on the Sacramento City Council where he was known as a budget specialist. His urban district, virtually unchanged by the recent reapportionment, is solidly Democratic.

THE OTHER STARS

(listed alphabetically)

Charles Bader

Pomona

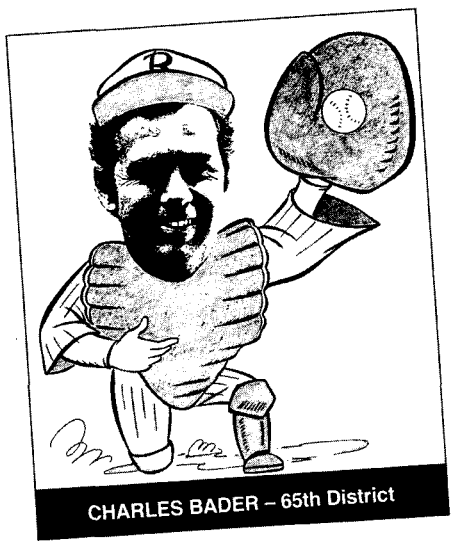
(Age: 43; Republican — 65th District)

Committees: Economic Development and New Technologies; Education; Housing and Community Development; Labor and Employment, Science and Technology (joint).

Twice elected mayor of Pomona, Bader captured his Assembly seat in a heated duel with former Democratic Assemblyman Jim Cramer who had defeated him in 1980. And reapportionment has strengthened Bader's hand for any rematch.

Since arriving in Sacramento, Bader has carved a niche as the GOP's ace in the area of housing and community development. But it is his thoughtful, reasoned approach to legislation and committee work that most say makes Bader stand out, especially among Republican freshmen.

"He's a substance guy," said one



CHARLES BADER – 65th District

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consultant who pointed out that Bader marshals a wide variety of opinion before making up his mind on an issue, even in areas where he is considered an ace. For instance, the consultant noted, Bader organized a meeting with experts from the academic community on how to help the state's ailing housing industry. Said a lobbyist, "You get the sense that he cares about constituents, not as voters but as people. Very impressive."

Bruce Bronzan

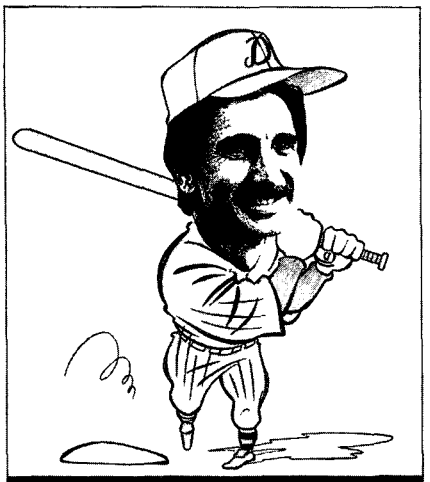
Fresno
(Age: 36; Democrat — 31st District)

Committees: Utilities and Commerce (vc); Aging and Long-Term Care; Agriculture; Health.

Select committees: Utility Performance; Rates and Regulations (vc); Small Business; Mental Health (c).

Bruce Bronzan is known around the Legislature as a quick learner who works hard to familiarize himself with issues. Although a rookie, he is considered an effective lawmaker. Said an admiring colleague, "He's carried some major legislation (utility reform and hospital construction), and he's done well. He's bright, articulate, knows his work and performs well in committee."

Aside from his hard work, Bronzan was also recognized in one area that most often signals a bright future in the Legislature — committee assignments. He is vice-chair of a standing committee and a select committee and was recently named to chair another select committee on mental health.



BRUCE BRONZAN – 31st District

Like Rocky Graziano, "somebody up there likes" him.

As representative of one of the state's richest agricultural districts, it comes as no surprise that Bronzan plans to zero in on agriculture and water issues. Another veteran of local government, he came to the Assembly after serving for seven years on the Fresno County Board of Supervisors. He first gained attention in November 1982 by no-hitting an aide to state Senator Ken Maddy in an Assembly race many thought was a toss-up.

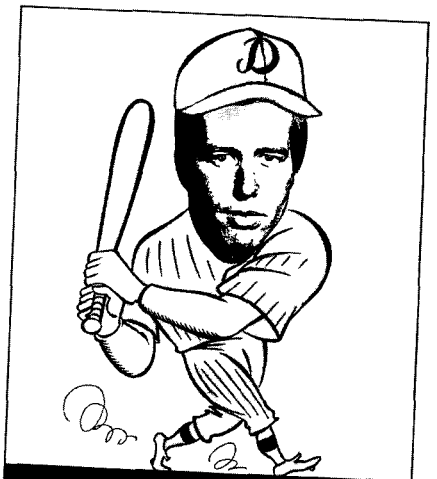
Gray Davis

Beverly Hills
(Age: 41; Democrat — 43rd District)

Committees: Housing and Community Development (vc); Education; Health; Utilities and Commerce.

Select committees: Job Development and Economic Productivity (c).

Gray Davis is the man the Democratic rookies thought so much of that they made him their team captain. Only a week after taking office, they elected him chairman of the Democratic freshman caucus. Trim and efficient, Davis is better known than any of his rookie colleagues except for the special case of Tom Hayden. Like Hayden, Davis is also a Babe Ruth among fund-raisers. But while Hayden got much of his money from wife Jane

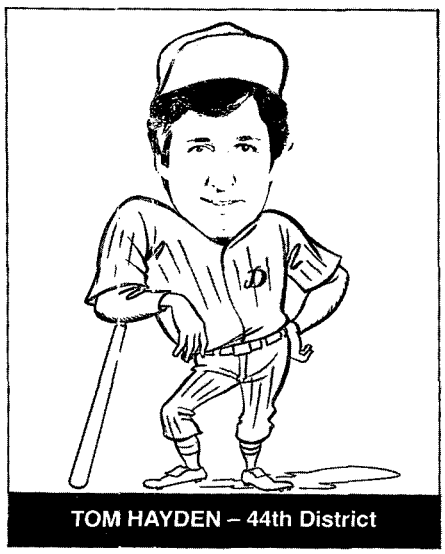


GRAY DAVIS – 43rd District

Fonda, Davis became a Sultan of Swag by working a wide range of contributors.

Davis, of course, was chief of staff to former Governor Jerry Brown from 1974 to 1981 and often ran the state

TOM HAYDEN



TOM HAYDEN – 44th District

Tom Hayden's rookie season cannot be measured by the usual standards because there's never been a rookie quite like him. Think of it: nationally known as a political activist; abhored by the right and feared by many fellow Democrats; leader of a grass-roots organization (Campaign for Economic Democracy) that has elected local-government candidates around the state; holder of the all-time record for spending in a legislative race — and last but not least, married to Jane Fonda.

So what standard should apply to Hayden? For his first year, at least, it should be his own; that is, to lie low and become one of the boys.

According to most, he did what he set out to do. "He's clearly bent over backwards to be a team player," said a former consultant, noting that Hayden kept a low profile with the press and did such buddy-buddy things as organize baseball games and play basketball with colleagues and staff. Said a senior member of the Assembly staff, "He's been very effective at dispelling the radical myth and establishing relationships with his peers."

In the Legislature, his committee assignments, including the vice-chair of Revenue and Taxation, were as modest as his bill load. He worked hard for his district and on issues — like veterans' affairs — that caught his eye. He also became known as an intelligent inquisitor in committee hearings.

And his future? "He'll be a major player in state and national campaigns," said a former consultant. "He can plug into CED's grass-roots organization, and he's the only one besides (Senator H. L.) Richardson who can call on that kind of network."

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while his boss was running for president.

His years with Jerry Brown also allowed Davis to build a statewide network of media contacts that many feel is also unique for a freshmen lawmaker. "He can generate a lot of attention," noted a lobbyist. "As a result, he gets listened to inside the Legislature. He stands out."

Once in the Assembly, Davis ran up an enviable won-lost percentage; of his 20 bills, 17 were eventually signed into law. Yet he rates as his biggest victory the rescue — from Deukmejian's blue pencil — of budget money for parklands in the Santa Monica Mountains.

Davis' 43rd District, formerly represented by now-Congressman Howard Berman, is solidly Democratic and should, as one committee consultant said, allow Davis "to stake out some high-visibility (and risky) issues like reapportionment." To date, however, he has staked out only the campaign-reform issue. Nor has he become what the consultant called the "strong westside (Los Angeles) anchor" that Berman was for the liberals and progressive in his district. That role may yet come to Davis — provided he puts in more than one or two seasons in his current job and doesn't, as many suspect, bolt the Assembly for a higher league.

Phil Isenberg

Sacramento

(Age: 44; Democrat — 10th District)

Committees: Health (vc); Housing and Community Development; Transportation; Water, Parks and Wildlife.

PHIL ISENBERG – 10th District

No freshman arrived in the Assembly last December with as many connections, and with as many legislative smarts as did Phil Isenberg. Back in the early 1970s he was chief consultant to the Assembly Ways and Means Committee, then chaired by an Assemblyman named Willie Brown. From 1975 through 1982, Isenberg honed his political skills as mayor of Sacramento.

Those credentials could have made Isenberg a prime mover-and-shaker among Assembly rookies, but it didn't turn out that way — primarily because Isenberg chose not to fill the role. According to one member, Isenberg "low-keyed" his connection with Speaker Brown, asking no favors, receiving none and establishing a reputation as his own man. He's carried a modest — almost invisible — legislative package, instead devoting much of his energy to learning the intricasies of his oddly shaped, partially agricultural district. He's mostly used his experience on behalf of others.

"Phil has an exceptional knowledge of the process, and he's translated that into assisting other freshmen members," said a senior staff consultant who also noted that Isenberg used his "instincts for policy and (political) strategy" to bring other Democratic freshmen "up to snuff" on issues of concern to the leadership.

A law graduate of Boalt Hall (University of California-Berkeley), Isenberg is generally regarded as the brightest of a very bright freshman class, a reputation one lobbyist said keeps everyone honest. "It is very difficult to get away with anything around Phil," she said.

Bill Jones

Fresno

(Age: 34; Republican — 32nd District)

Committees: Agriculture; Labor and Employment; Revenue and Taxation; Refugee Resettlement (joint).

Select committees: Utility Performance; Rates and Regulations.

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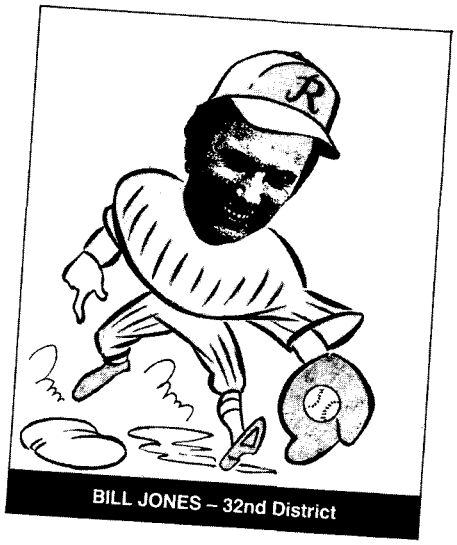

BILL JONES – 32nd District

Continued on page 31

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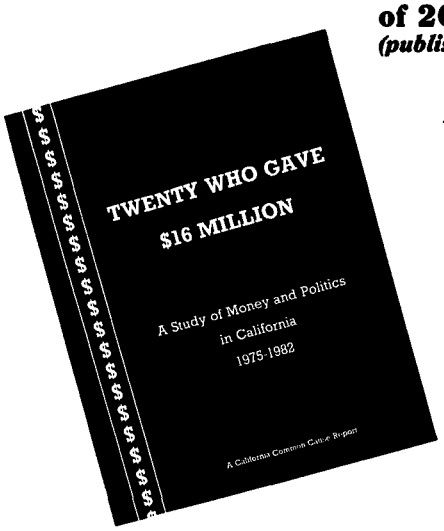

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MOBILIZING NEWSPAPERS TO INFLUENCE PUBLIC POLICY

By ROBERT DEEN

An unlikely event occurred on January 1, 1983: The gasoline tax rose from seven to nine cents a gallon, an increase of nearly 29 percent. The same law that raised the tax also boosted levies on trucks, doubled the basic vehicle registration fee and nearly tripled the cost of a driver's license.

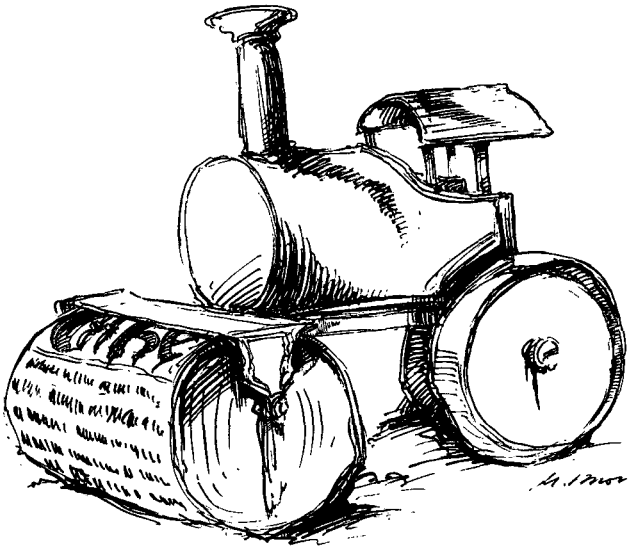
Why unlikely? Because Californians supposedly are still living in the era of Proposition 13, in which government is supposed to refrain from adding to the taxpayer's burden. Furthermore, this particular increase had been decisively rejected by the governor and Legislature once before. So, how did the increase become law? There were several reasons, but to many of those involved the key element was a unique campaign to win favorable newspaper editorials. In all, 50 California newspapers supported the gas tax increase while only one opposed.

Frequently discounted on the campaign trail — where television and direct mail are the weapons of choice — newspaper editorials still play an important role in politics and government, particularly when a complex or unpopular idea (like a tax increase) is involved. Readership surveys indicate that editorials are important because their readers often include the community elite; that is, the well-educated and powerful. And communications research shows that public opinion is often formed through a two-step process, beginning with the elite and moving to the general public.

Talk of raising the gasoline tax began shortly after the first Arab oil embargo of 1973-74. With Americans driving fewer miles, more slowly and in smaller cars, gasoline tax revenues began to sag, meaning that there was less money for highway construction and therefore less business for highway contractors. In 1975 a coalition of various business and government leaders, led by the contractors, pushed the first gas-tax bill. Like the later version, it would have raised the tax by two cents a gallon. Essentially, the argument in favor was that an extensive, well-maintained highway system is necessary for growth and prosperity, but that declining gas-tax revenues — coupled with high inflation — was slowing construction and causing California's fine system to deteriorate.

But Governor Jerry Brown and many legislators were opposed. The governor had pledged not to raise taxes and believed, like many, that California needed better mass transit more than it needed continued expansion of the freeway system. Although the bill cleared the Senate that year, it failed passage twice before the Assembly Ways and Means Committee.

Hoping to bring pressure on Brown and the Legislature, the construction industry launched a media blitz in the fall



of 1975. Handled by Hill & Knowlton, the world's largest public relations agency, the effort featured helicopter tours of freeway systems for the media, a speakers bureau, a slide production and various other p.r. activities. Although some newspapers editorialized on the issue, the industry made no specific effort to reach editorial boards. On August 16, 1976, the bill came up again before the Ways and Means Committee and went down for the third — and last — time.

Newspaper support

In early 1981, facing what seemed to be an even stronger anti-tax sentiment than before (Proposition 13 had passed in the meantime), the construction industry tried again. Under the banner of "Californians for Better Transportation," the industry backed a gas-tax bill introduced by Democratic Senator John Foran of San Francisco. But this time the strategy included a deliberate effort to win newspaper editorial support.

Most of the effort centered on creating four and five-member "briefing teams" to visit newspaper editorial boards. Each team was tailored for the newspaper it was to visit, being composed of prominent contractors, business representatives and government officials from the newspaper's circulation area. When possible, Foran would come from the Capitol to attend the meetings. Additionally, CBT prepared an "editorial briefing kit," a package of articles and surveys designed to show the need for the tax increase. More than 500 copies went to virtually every daily and weekly newspaper in the state and to many radio and television stations as well.

The case must have been a strong one. According to A.J. Zissler, the current executive director of CBT, fifty newspapers editorialized in favor of the tax increase and only one opposed. The editorials were compiled and a package of them was given to each member of the Legislature, with special emphasis on those from within his or her own

Robert Deen is employed by Roy Heatly/Associates, a public relations firm that has participated in statewide campaigns to win newspaper editorial support.

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district.

On September 14, 1981, the tax increase bill (SB215) cleared the Legislature with better than two-thirds majority support in each house. To Foran, the editorials were a key factor in the success. "Most elected officials are very nervous about voting for such a thing. They must be convinced that in balance the problem to be solved is greater than the liability of voting for a tax increase. To that extent, I think the newspapers were extremely useful," he says.

But Governor Brown remained an unknown. With one year left to fill his "no new taxes" pledge and preparing to run for the U.S. Senate, he was by no means ready to put his name on the gas-tax bill, even though it had been amended so that the increase would not take effect until after he left office at the end of 1982. That he did in fact sign was attributed, by several observers, to the overwhelming editorial support.

"Definitely a factor," says Foran. "He had pretty much decided he would run for the U.S. Senate, so he was very anxious to see the editorial support so he wouldn't be clobbered with it if he signed the bill." Tom Willow, communications director for the Associated General Contractors of California, agreed, saying "There's no question the editorials were important to Governor Brown."

A key difference

Willow, who was deeply involved in both gas-tax campaigns, says that the continuing deterioration of the roads during the years between the two campaigns helped make the second campaign a success. Nonetheless, editorial support the second time was the "key difference." "The media saw it as a problem; hard-hitting editorials began to appear and pressure on the Legislature for action grew," he says. Foran has another measure of the editorials' effect. He says he received an unusually small amount of hate mail for having carried the tax legislation.

Not surprisingly, Foran is once again involved with legislation whose success, he believes, will depend largely on newspaper editorial support. This time, no tax increases are involved, but the issue is complicated and needs the kind of clear explanation that editorials do well. Essentially, Foran wants to overturn a 1978 decision by the state Supreme Court that requires government to pay large awards in personal injury cases although it may have had only minimal responsibility for the injury.

The 1978 decision says in effect that any person who has contributed to causing an injury — even if the contribution is only one percent of the total fault — can be made to pay the entire damage award if the others involved — who are 99 percent responsible — cannot pay. As a result, says Foran, shrewd personal injury attorneys are straining to name governmental agencies in lawsuits so as to be assured of collecting large sums. In such cases, the government is called the "deep pocket."

For instance, Escondido recently paid a $1.1 million settlement to a motorcyclist seriously injured when he drifted through a stop sign and was struck by a car. The city's "percentage of responsibility" was less than 10 percent — weeds allegedly obscured the intersection.

According to Foran, the full impact of this new court doctrine — known as "joint and several liability" — is only now beginning to be felt. A recent survey by the League of California Cities indicates that one-fifth of the state's cities face pending claims totaling more than $87 million.

"The taxpayer is going to be footing the bill for a tremendous amount of money," Foran says. "How do you get that message across? It's not a sexy issue. It's something people just don't reflect upon. They don't like paying taxes, they think taxes are too high, but they don't reflect that this is one of the reasons. It takes a significant effort to get that kind of message across. And newspapers play a key role.

"Issues that are editorialized are often very complicated. They're not the kind of thing the average person picks up and turns to. They'll look at the sports page. How do you call public attention to a situation? The more complex the issue the harder it is, and SB575 (Foran's bill to alter the doctrine) is a good example."

An aggressive effort to bring the issue to the attention of editorial boards across the state in 1983 resulted in more than 20 favorable editorials in newspapers representing a combined circulation of more than a million-and-a-half. Supporters of the legislation are hopeful that such groundwork will play an important role in renewed efforts to enact the legislation this year.

Editorials also work when it comes to killing bills. And Ken Emanuels, legislative director for the League of California Cities, has an example. In the last minutes of the last day of the 1982 session, he recalls, Republican Senator Bill Campbell of Hacienda Heights — who was then the GOP leader — pushed through a bill to prevent cities and counties from banning fireworks. Eighty-two California cities had such bans at the time.

The bill had started as an innocuous measure concerning fire-hose couplings, but Campbell had amended it at the behest of W. Patrick Moriarty, a friend and constituent who was also president of a fireworks manufacturing firm. The senator then allowed the bill to sit on the Senate's inactive file for almost a year, pushing it through during the final, chaotic hours of the session.

But Governor Brown had yet to act, and within a day or two of the measure's passage, local government officials were conducting an organized campaign to inform the media of what Campbell had done and win editorial support for a veto. During the next dozen days, more than 30 editorials appeared in newspapers across the state, unanimously condemning the bill for its lack of merit and for the manner in which it was passed. A bound compilation of the editorials was presented to the governor, and on the last day possible, he vetoed the measure.

Did the editorials have an impact? "They had to have an impact," says Emanuels. "We had a truly impressive package. We made our point: the number of editorials, how quickly they came in, that they were unanimously against."

Peter Schrag, editor of *The Sacramento Bee's* editorial page, recalls that the *Bee* was one of the papers that editorialized against the fireworks bill.

"If our editorial had an impact," he remembers, "it wasn't so much because we said we were against it, but rather because we presented the facts — the bill was supposed to be this but it really was that. It's the arguments, the analysis, the facts of the thing itself that made it difficult — in a political sense — for someone to support.

"The only time you start getting in trouble in this business is when you start thinking you're powerful, because then you're really wrong."

In any case, as long as broad-based editorial support is perceived as an influencing factor in the legislative process, it will be systematically sought and cultivated. Even now, many of the same organizations and interest groups which successfully campaigned for the gas-tax increase are focusing on an issue they perceive as dwarfing that issue in scope and complexity: the deterioration of the state's infrastructure. There is little doubt they will turn to the news media for help in focusing public opinion on the issue and securing a place for it on the public agenda. As Foran says, explaining complex issues and placing them on the public agenda may be the function which newspapers' editorials serve best.

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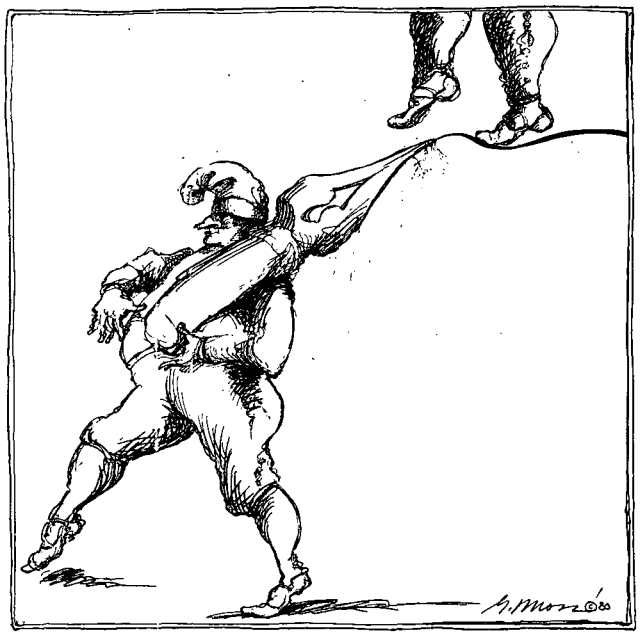

CONFERENCES AND CAREFUL RESEARCH PRODUCE A NEWSPAPER'S OFFICIAL OPINION

By JACK BURBY

Editor's note: Jack Burby is Assistant Editor of Editorial Pages for The Los Angeles Times. *In this article, he presents his view of the editorial writing business and describes how editorials are prepared at* The Times.

The first editorial writer I ever saw used to march through the newsroom to his office every morning with a briefcase and spend the rest of the day attacking his typewriter and anyone who disagreed with him. At night, he marched out, aloof, authoritative, anonymous, his demons all exorcised.

But the performance was always more impressive than the product, and eventually it seemed clear to most of us common reporters that people in that line of work didn't need to know much about things; they just had to have opinions about them. Seemed clear, that is, until it came my turn to march into the office every morning with a briefcase.

It turns out that, done right, editorial writing ranks right along with breaking big rocks into little rocks on any scale of labor. It also turns out, at least at *The Times*, to be the best job in the world, satisfying and demanding.

Demanding because it means you can stop reading or listening only when you are writing. The trick is to take every last scrap of information you can find on a subject from sources that range from newspapers through *Rolling Stone* and into public radio, isolate an issue, analyze it, try to decide what it all means and whether anyone should care; distill all of that into 800 words or so and then sit back and wait for some expert in the field to call and pick the piece apart. Satisfying because, while an editorial may occasionally seem dull, putting it together never is, and once in a while a good editorial can make a difference on some issue of public policy or move a reader to write: "I never thought of it that way."

As of last year, there were 1711 daily newspapers in the United States and there probably are that many different approaches to editorial writing. Some — *The Los Angeles Times, New York Times, Washington Post* and *Sacramento Bee* among them — take their editorials very seriously. When Eugene Meyer bought the *Washington Post* in the 1930s, for example, he invested in new talent only for the editorial page. His real interest in the *Post* was that Franklin Delano Roosevelt and Congress know every single morning what Meyer thought about issues. The rest of the paper just came along with the editorials. The country's bigger papers are a bit more humble about their editorials these days, partly because Congresses and Presidents have shown over the years how easy it is to read editorials and still do the wrong thing. But these papers persist, with sizeable staffs of editors and writers who spend all of their working time on editorials, letters to the editor, Op Ed pages of commentary and analysis, and special weekend sections devoted to heavy thinking.

At *The Times*, the approach to editorials starts formally at 9:20 a.m. Nobody remembers why that particular time and nobody asks for fear that the answer would be to change it to 6:30 a.m. By then, the seven writers and two editors on the staff usually have read, or at least scanned, *The Times* at home, listened to the early morning news broadcasts, looked over *The New York Times* and *The Wall Street Journal* at the office and know with some certainty what is going on in the areas in which they specialize.

They specialize because it is impossible to start from scratch on a new subject every day and have any real confidence that all of the bases can be covered by deadline. Editorials are basically analytical, and if you have five important pieces of information in any act of analysis and one of them is even slightly wrong, the conclusion will be wrong.

Specializing also means that an editorial writer arrives at the 9:20 meeting having read not only general circulation publications but also magazines and press releases and speeches and transcripts of hearings and having spent hours over the course of a week on the telephone or in the conference room listening to people argue different sides of an issue.

Tony Day, editor of the editorial pages, presides at the first of two morning meetings at a round conference table littered with newspapers and coffee cups and summaries of the more important (or the more sensational, which is often different from important) stories on the news wires.

I gather that on some papers, the morning editorial meeting is regarded as a failure if it does not end in a shouting match between partisans on one issue or another. Day runs very civil meetings, moving clockwise around the table to see what topic each writer thinks should be covered in an editorial the next day and what ought to be said about it. There is some intellectual pushing and shoving, but it is usually gentle, seldom going beyond the sardonic,

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much the way a handful of people on a life raft might argue.

For the most part, these meetings involve restatements, in light of new developments, of editorial positions that *The Times* has already taken. It would be difficult, if not impossible, for example, to persuade the paper to support an action that, on balance, would damage the coastline or reverse the trend in pollution control or tamper with the First Amendment. It would be equally pointless to argue that the paper should support moves that would make the U.S. less able to defend its legitimate interests abroad. You can get an argument any day, of course, on what legitimate means.

By no later than 10:15, Day must choose from his list three or four proposed editorials and schedule them for the next edition. Ideally, one will involve national or international affairs, one state or regional matters, a third local.

A second meeting, involving Publisher Tom Johnson, Editor William F. Thomas and as many as 16 other *Times* editors and writers, starts at 10:30. A writer explains what will be said and why. Again, there is probing, mostly to make certain that anyone with a different point of view has had a chance to argue the case. The rest of the day belongs to the telephone, to double-checking facts, to meetings with visitors, and to the word processor.

Changing policy, or seeming to change policy, is much more complicated, as in 1982 when *The Times* endorsed Proposition 13, an initiative statute that would have rewritten much of California water law to put conservation of water on the same legal footing as development of water. For one writer, that required weeks of reading fine print, traveling the state to look for flaws in the proposal and, finally, parts of several morning meetings before it was clear that most Californians would benefit from the change.

Why bother? Why not let people think for themselves? One answer is that the editorial writers I know work as hard as they do precisely to help people think for themselves.

After reading American newspapers in 1833, Alexis de Tocqueville concluded that "the personal opinions of the editors have no weight in the eyes of the public. What (the readers) seek in a newspaper is a knowledge of facts, and it is only by altering or distorting those facts that a journalist can contribute to support his own views."

I shudder to think how close to truth that observation still was when I used to watch my first editorial writer march through the newsroom. But the thunder-and-bluster method of editorial writing is long dead on most major newspapers. Most readers must spend the bulk of their time fixing cars or running department stores or advising clients how to stay out of jail. That's what they get paid for. Editorial writers get paid for spending the same bulk of their time reading, probing policy, looking for the occasional bright spot that is a cause for cheering about the human condition, trying to find patterns in the flow of events and either warn of white water ahead in that flow or provide some logical basis for believing the flow leads to calm places.

It is as simple as that. Some readers insist that there are mysterious and sinister things afoot in editorial rooms. Part of that feeling clearly stems from the fact that editorials are unsigned and that therefore the writer must have some reason to hide. Again, the answer is simple. Editorial positions are institutional positions, not the reflection of any one writer or editor. They are what the building would write if it knew how to type. And what the building would write is: "I have looked this over as carefully as the most elaborate flow of communications and human frailty permit, and this is the way it seems to me."

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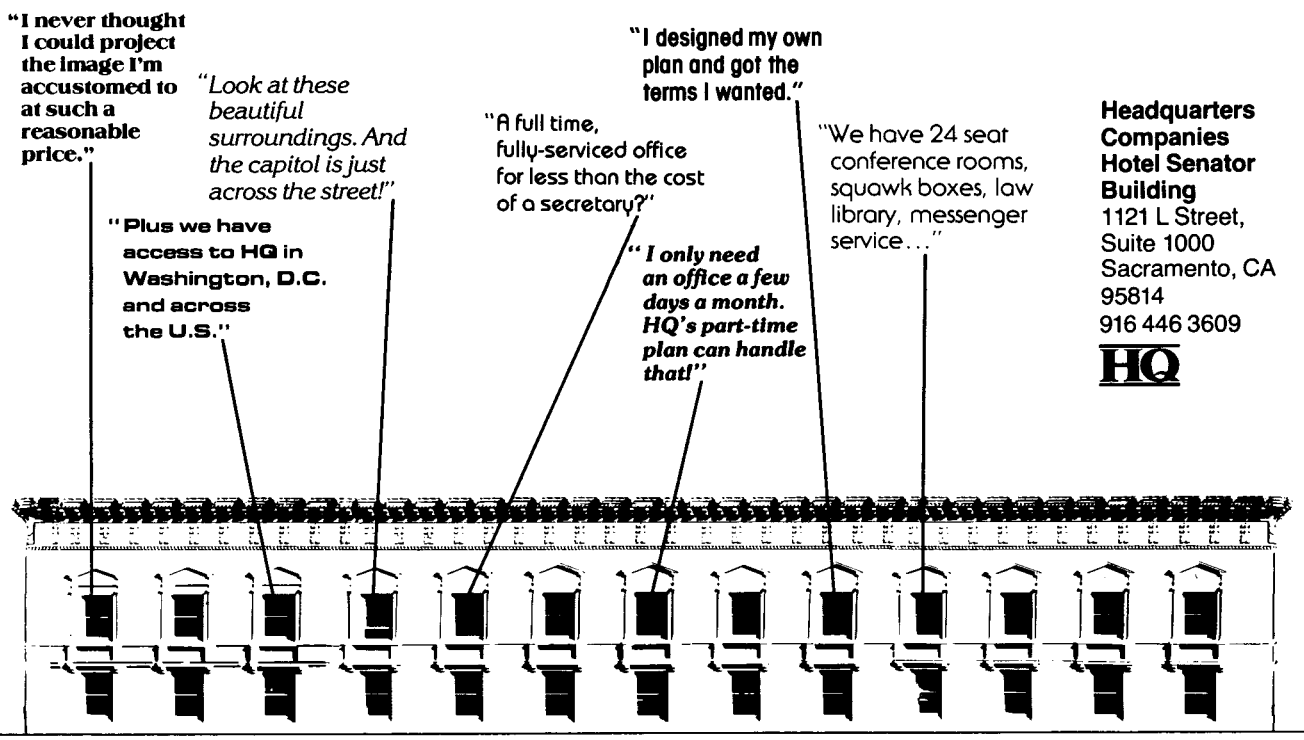
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California Journal
Newsfile

Volume I, Introductory Edition December, 1983

Welcome to the New California Journal Newsfile!

Each day at the Capitol, journalists sift through a small mountain of information: press releases, meeting announcements, personnel changes, lobbyist disclosures, committee reports and much more. However, daily newspapers have room for only a bit of this information. The California Journal offers more, but large amounts remain untouched.

Many of the Journal's readers, we believe, would welcome a look at more of these items. For instance, the news of a deputy director's transfer may not rate a line in any newspaper, or even the Journal, but it may be of immense importance to someone who is concerned with activities in that department.

For these people, the editors of California Journal are creating a new publication, California Journal Newsfile, a monthly newsletter that will be available only to California Journal subscribers. This newsletter will average eight pages a month and will be mailed First Class midway between issues of the Journal.

California Journal Newsfile will in no way diminish California Journal. As this sample edition demonstrates, Newsfile will supplement not only the Journal but other publications as well. (Note that future copies of Newsfile will be more current than the sample; for production reasons, we had to establish an unusually early copy deadline this time.) **The cost for Newsfile is $32 per year or $18 for six months.** Orders must be prepaid, and if you are not satisfied we will refund the amount left on your subscription. **Just use the insert card to place your order, or write your own order and send it, along with your check, to California Journal Newsfile, 1714 Capitol Avenue, Sacramento, CA 95814.**

We intend Newsfile to be as useful as possible to its readers. New features will be added in the months to come. We invite you to tell us what information would be most helpful to you and to make any other suggestion on how we can be of further assistance.

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Newsmakers

GOVERNOR'S APPOINTMENTS

Daniel B. Vasquez, 40, of Gonzales, acting superintendent of the Correctional Training Facility of Soledad, as warden of the California State Prison at San Quentin. Democrat.

Nancy Jane McKee, 33, of Sacramento, as chief of the Research and Policy Development Division of the Department of Housing and Community Development. She is former media director for the Senate Republican Caucus.

Robert E. Doran, 51, former superintendent of the California Rehabilitation Center, as superintendent of the Sierra Conservation Center. Republican.

James H. Gomez, 34, of Sacramento, deputy director in the Department of Social Services, as chief deputy director of the Department of Corrections. Republican.

Patricia Johnson, 53 of Rolling Hills, and **Laurel E. Dickranian**, 28, of San Francisco, to the California Arts Council. Johnson is a watercolor artist and Dickranian is associate director of development for the San Francisco Symphony. Both are Republican.

Garth R. Tanner, 42, of Placerville, and **J. Les McCargo**, 54, of Sacramento, as chief deputy directors of the State Department of Parks and Recreation. Tanner, a Republican, is the department's Folsom Lake Area Manager. McCargo, a Democrat, is former interim department director.

Jeanne Moore, 48, of San Francisco, former government affairs representative for Chevron USA, as deputy director of the Department of Industrial Relations. Republican.

Thomas Cecil, 35, of Sacramento, former general counsel of Biodyne Industries, as chief of the Consumer Services Division in the Department of Consumer Affairs. Republican.

Wayne Estelle, 50, acting superintendent of the California Men's Colony, as warden of the Men's Colony. Republican.

City Councilwoman Harriet M. Stockwell, 63, of El Cajon; **Guy T. Arant**, 33, of Chula Vista; and **Mary Jane Forster**,40, of San Juan Capistrano to the California Regional Water Quality Control Board. All are Republicans.

B.T. Collins, 43, of Sacramento, **Andres E. Mendez**, 38, of Sacramento, **Donald A. Drumheller**, 51, of North Highlands, **Linda J.**

MENDEZ COLLINS

McClenahan, 34, of San Francisco, **Leo K. Thorsness**, 51, of Santa Monica to the Vietnam Veterans Memorial Commission. All are Republicans.

Dr. D. Michael O'Connor, 41, executive director, Napa State Hospital, as director of the Department of Mental Health. Democrat.

Karen Spencer, 31, of Sacramento, formerly lobbyist for George Steffes, Inc., as director of the Governor's Washington office. Republican.

Donald E. Male, 51 of Roseville, plant manager of Anchor Press, as StatePrinter. Republican

Andrew Wortman, 48, of Santa Monica, private energy consultant and energy invention evaluator for the National Bureau of Standards, to the Air Resources Board. Republican.

Stella Sandoval, 55, of Anaheim, as deputy director in the state Employment Development Department. She formerly was a member of the Commission on Fair Employment Practices. Republican.

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Carolyn P. Ewing, 42, of Yorba Linda, executive assistant to Orange County Supervisor Harriett Wieder, as chief deputy director of the Department of Transportation. Republican.

Don MacGillivray, 64, of Santa Barbara, former state assemblyman, to the Contractor's State License Board. Republican.

Donald L. Daley, Jr., 32, of Jamul, partner and general manager of Daley Farms of San Diego, to the state Board of Food and Agriculture. Republican.

Warren M. Dorn, 65, of Morro Bay, real estate consultant and former Los Angeles County Supervisor and mayor of Morro Bay, to the Alcoholic Beverage Control Appeals Board. Republican.

Martin A. Matich, 56, of San Bernardino; **Stanley M. Barnes**, 57, of Visalia; **Jack G. Thomson**, 61, of Bakersfield; to the California Water Commission.

Dr. Verna B. Dauterive, 54, of Los Angeles; **Phyllis W. Cheng**, 31, of Los Angeles; **Arlene Nielsen**, 39, of Tiburon; and **Marjorie Hansen Shaevitz**, 40, of La Jolla; to the Commission on the Status of Women.

Anne Taylor, 45, of San Jose, assistant director of resource development for the Department of Corrections, as chief deputy director of the Department of Aging. Republican.

John M. Woodard, 58, of Fair Oaks, former deputy secretary of the Agriculture and Services Agency, as deputy director of the Employment Development Department. Republican.

JUDICIAL APPOINTMENTS

Charles D. Sheldon, 51, of Long Beach, to the Los Angeles Superior Court. Former deputy district attorney for Los Angeles County.

Armand Arabian, 48, Los Angeles superior court judge, to the state Court of Appeal, second district.

Roger D. Randall, 41, of Bakersfield, former deputy district attorney, as a municipal court judge, West Kern County Judicial District.

Patricia Bamattre-Manoukian, 33, deputy district attorney in Orange County, as a municipal court judge, West Orange County Judicial District.

Roy L. Wonder, 54, former U.S. Patent Office examiner, to the San Francisco Superior Court.

OTHER NEWSMAKERS

E.H. Clark, chairman of the board and president of Baker International, elected chairman of the Board of Directors of the California Chamber of Commerce.

Dave Dawson, of Sacramento, appointed by State Superintendent of Public Instruction Bill Honig as executive deputy for the Department of Education.

Margaret C. Mercado, of Sacramento, appointed chief of the Attorney General's Office of Community and Consumer Affairs. She is the former director of the Department of Boating and Waterways.

Salvador Montenegro, 60, of San Gabriel, appointed by President Reagan as the State Director of Selective Services. Republican.

Michael A. Campos, 44, of Sacramento, appointed by the Water Resources Control Board as its new executive director. He is an attorney, an engineer, and currently deputy director of the board.

Sid C. McCausland, 43, of Sacramento, named by the Public Employees Retirement System Board to succeed Carl Blechinger, upon his retirement, as the board's executive director. McCausland formerly served as Deputy Director of the Department of Finance and Assistant State Treasurer.

Robert Stern, former general counsel for the Fair Political Practices Commission, as general counsel for the Center for Responsive Government.

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Agencies

School Violence Seminars

Regional seminars to combat school violence will be held in Sacramento in February, in the City of Industry in March, and in Santa Clara in April. The seminars, to be jointly conducted by the offices of the Attorney General and State Superintendent of Public Instruction, will bring together school officials, teachers, law enforcement authorities, students and parents to develop violence reduction programs.

Consumer Affairs Office

The Department of Insurance has reestablished its Consumer Affairs Division by incorporating the Policy Services Bureau which investigates consumer complaints and including two new bureaus: Market Conduct and Consumer Services. These new bureaus will conduct on-site inspections of insurers who have an above average number of consumer complaints.

Employer Tax Fraud

Special investigative teams of the Employment Development Department have uncovered over $2.4 million in unreported and untaxed wages resulting in a tax liability exceeding $222,000. Statewide, thirteen employers have been criminally charged, five have been convicted, and $2,424,780 in untaxed wages identified. The five convicted are Annie's Fashion and Tito's in Los Angeles, Alfredo's Janitorial Services in Downey, the Fruit Tree Market in Sacramento, and Dr. Robert Picker, M.D., of Berkeley.

Ethnic Group Longevity

A study of longevity among white and minority populations by the State Department of Health Services reveals that Asian and Spanish surnamed ethnic groups are more likely to outlive white and black populations. Prepared by the department's Center for Health Statistics, the study has produced data which show that the widest variation is between Asian females with a life expectancy of 85.8 years and black males with a life expectancy of 65.6 years. The study also found that Asian male life expectancy rates in California surpassed the rates of both white and black females.

Olympic License Plates

Department of Motor Vehicles offices have begun accepting orders for the special Olympic games license plates whose production was authorized by the legislature and Governor. The reflectorized red, white and blue plates, embossed with the Olympic emblem and star, will cost $100.00 per set. Proceeds from their sale will partially defray state and local government expenditures for security, traffic control and law enforcement during the 1984 Olympic Games.

State Transportation Needs

California Transportation Commission Chairman Claude E. Fernandez has estimated that approximately $13 billion will be available for state transportation needs over the coming 5-year period. Fernandez says that about $7.6 billion is expected to come from federal sources and the balance of $5.6 billion would be raised in the state to finance new highway construction, highway rehabilitation, mass transportation development, highway maintenance, and about 400 new transportation projects.

Hazardous Waste Disposal

Effective January 1, 1984, liquid hazardous wastes containing high concentrations of PCB's, strong acids and heavy metals will be banned from land disposal in California. Instead, these liquid wastes will have to be recycled or treated pursuant to regulations adopted by the State Department of Health Services. Implementation of the landfill ban marks the second

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stage of a two-year phaseout of land disposal of highly toxic waste.

New Air Quality Standards

The State Air Resources Board has tightened the state's air quality standards for sulfur dioxide to improve the health of an estimated 1.7 million persons suffering from allergies, asthma and other serious respiratory diseases. The board's action limits sulfur dioxide concentrations in the air to 0.25 parts per million. The main source of sulfur dioxide in the air is the burning of fuel oil containing sulfur in large industrial boilers and power plants. Diesel-powered vehicles are also a source.

Business Expansion

At least 177 companies expanded or located new operations in California during the first nine months of 1983 according to the Department of Economic and Business Development. These companies are expected to invest $1.59 billion in the state's economy and create approximately 111,000 direct and indirect jobs. Most of the new business operations or expansions are in the electronics industry, and most of the new business locations are in Santa Clara County.

Reports

Toxics Management in California: An Identification of Issues, Governor's Hazardous Substance Task Force, Office of the Secretary of Environmental Affairs, P.O. Box 2815, 1102 "Q" St., Sacramento 95812. Oct. 1983. 88 pgs. Draft report summarizing toxic waste issues including storage, safe disposal, and waste site cleanup and research into the health and environmental effects of toxic substances.

Proposition 13 Five Years Later, Cal-Tax Research Bulletin, California Taxpayers Assn., 921-11th St., Sacramento 95814. Sept. 1983. 10 pgs. An update of the statutory implementation and legal interpretation of Proposition 13 of 1978.

Quarterly General Fund Forecast, Commission on State Finance, 915 Capitol Mall, Sacramento 95814. Sept., 1983. 75 pgs. The state's official quarterly report of economic indicators and projections, including 1983-84 state revenue and expenditure outlooks.

A Prototype Industrial Policy Study of the California Steel Industry, Senate Office of Research, 1100 J St., Ste. 650, Sacramento 95814. Oct. 1983. 142 pgs. $4.35 + tax. Analyzes the decline of California's steel industry and the options available for saving or redirecting the state's steel-making capacity.

Long Term Local Government Financing, Background Staff Report for interim hearings by the Senate Local Government Committee, State Capitol, Rm. 2080, Sacramento 95814. Oct. 1983. 33 pgs. Examines a variety of financing options for local government public works projects including bond issues, new revenue sources and innovative public-private partnerships.

California Department of Corrections Plan to Implement the Findings of the Court in Wilson vs. Deukmejian, Phase 1 Report, Dept. of Corrections, 630 "K" St., Sacramento 95814. Oct., 1983. 98 pgs. + exhibits. The state's plan for complying with a judicial ruling declaring the double-celling of inmates to be cruel and unusual punishment. Contains proposals for eliminating overcrowding at San Quentin.

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Governor

Appointment Record

Out of 590 executive appointments made in the first ten months of the Deukmejian Administration, 135 are women, 44 are Hispanic, 37 are Black, 15 are Asian, and 2 are American Indian. These statistics are contained in a two-page chronology of accomplishments and significant events during the first 10 months of Governor George Deukmejian's administration released by the Governor's office.

Reapportionment Commission

A proposal for the creation of a nonpartisan commission to reapportion legislative and congressional districts will be submitted to the legislature in January by the Governor in the form of a constitutional amendment. The nonpartisan commission would be comprised of eight state Court of Appeal justices selected by random drawing by the President of the University of California under the supervision of the Secretary of State. After completing an extensive hearing process, the commission would utilize computers to redraw legislative and congressional districts that meet specified criteria.

Child Support

A 15-member statewide commission on Child Support Development and Enforcement has been appointed by the Governor to recommend major administrative and legislative actions to achieve the implementation of strong and effective child support enforcement. According to the Governor's office, less than 15% of the families on AFDC receive child support paynments, and at least $750 million is owed to the children in California by delinquent parents. The commission's recommended reforms are due to be submitted by June 1, 1984.

A.G. Opinions

Reapportionment

A state legislator may continue to serve in the legislature when, during his term of office and after enactment of a reapportionment bill, he moves his residence to a reapportioned district which contains no territory in common with his original district. (Opinion No. 83-701, Nov. 2, 1983; requested by Assemblywoman Marian Bergeson).

Campaign Funds: Wills

An officeholder may not conclusively designate in his will the purposes for which surplus campaign funds will be used where such funds are held by a committee. However, if the campaign funds are held by the officeholder personally, he or she may dispose of them by will. (Opinion No. 83-109, Oct. 4, 1983; requested by Senator Alfred Alquist)

Proposition 13

Article XIII A of the state constitution and the legislation which implements it permit a school district to conduct a bond election and acquire funds for the purpose of property acquisition and school construction. Measures submitted to the voters for such purposes need only be approved by 2/3 of those casting votes. The special tax to fund the bonds may not, however, be an ad valorum property tax or a tax on the transfer of real property. (Opinion No. 82-1202, Oct. 4, 1983, requested by Assemblywoman Marian Bergeson)

County Tax Revenues

An appropriation for county advertising purposes of monies derived from transient occupancy tax revenues is not subject to a $50,000 limitation. (Opinion No. 83-702, Nov. 23, 1983, requested by John S. Kenny, Shasta County Counsel).

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Lobbyists

A listing of registrations, terminations and amendments in lobbyist statements filed with the Secretary of State.

Registrations

Lorraine Bishard of San Jose, for the Independent Trustee Association.

Candace Blase of Sacramento, for the Friends Committee on Legislation.

Carlyle Brakensiek of Sacramento, for the Independent Automobile Dealers Association, the California Society of Industrial Medicine and Surgery, Lloyd Anderson and Company, and AdvoCal.

Timothy G. Davis of Sacramento, for Southern California Gas Company and Pacific Lighting Gas Supply Company.

Bill Dohring of Sacramento, for the Independent Automobile Dealers Association, the California Society of Industrial Medicine and Surgery, Lloyd Anderson and Company, and AdvoCal.

Lawrence J. Gumbiner of San Francisco, for CBS, Inc., NBC, Inc., the Syntex Corporation, the Costa Real Municipal Water District, the Municipal Water District of Orange County, and the law firm of Nossaman, Guthner, Knox, and Elliott.

Carlton Jones of Oakland, for Citizens for A Better Oakland.

Richard K. Mason of Sacramento, for American Telephone and Telegraph and A.T. & T. subsidiaries.

Robert N. McCluer of Los Angeles, for Southern California Gas Company and Pacific Lighting Gas Supply Company.

Terminations

Olen Kull of Glendale, from Household International, Inc.

Katherine E. Meiss of Sacramento, from Western Center on Law and Poverty.

Peter B. Necarsulmer of Sacramento, from the California Hotel and Motel Association, General Consulting Company, Smokeless Tobacco Council, Inc., Allied Tube and Conduit Corp., and MDP Ltd., a subsidiary of Hughes Aircraft Co.

Steve W. White of Sacramento, from the California District Attorneys Association.

Amendments

Timothy Egan adds the El Segundo Employers Association.

Bill Dohring drops the Cooperative of American Physicians.

Ralph Heim adds the Simpson Timber Company.

Sandy Klagge adds the California Railroad Association.

John T. Knox adds CBS, Inc., NBC, Inc., and the Municipal Water District of Orange County, and drops Aetna Life and Casualty Co.

Loren V. Smith adds the Simpson Timber Company.

John V. Briggs drops the California Podiatry Political Action Committee.

Arthur F. Krause drops the American Retirees Association and the California State Racing Pigeon Organization.

Monica Ramos drops Kahn Soares and Conway.

Krause, Shaw and Associates drops the American Retirees Association and the California State Racing Pigeon Organization.

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Calendar

January 3
State Legislature reconvenes for second half of the 1983-84 legislative session.

January 10
Governor must submit state budget to legislature by this date.

January 13
Last day for legislative policy committees to pass bills introduced in 1983 to fiscal committees.

January 18
Joint hearing of the Senate Agriculture and Water Resources Committee and the Assembly Water Parks and Wildlife Committee in the State Capitol Building, Sacramento. Subject: Flood control and water transfer.

January 20
California Taxpayers Association 58th annual meeting at Hyatt on Union Square, San Francisco. Major address by Governor George Deukmejian. Registration $35.00. Contact Cal-Tax, 921-11th St., Sacramento 95814.

January 26
Deadline for legislature to adopt constitutional amendments qualifying for the June primary ballot.

January 31
Last day for Senate or Assembly to pass out of the house of origin bills introduced in 1983.

Feb. 1
The California Roast: a benefit for the California Journal and the Coro Foundation. Honored guest will be Governor George Deukmejian. The event will be held at the Sacramento Community Convention Center, Sacramento. Tickets are $75.00 and are tax deductible. For reservations call (916) 444-2840, (213) 623-1234 or (415) 863-4601.

Feb. 29 - Mar. 3
Fourth National Policy Institute's conference for black elected and appointed officials, Washington, D.C. For registration information write to the institute at 1301 Pennsylvania Ave., N.W., Washington D.C. 20004. (202) 626-3548.

Legislature

Workfare

Senate Majority Leader John Garamendi (D-Walnut Grove) plans to reintroduce his welfare reform and workfare plan in January when the state legislature reconvenes. His proposal would expand the state's employment preparation program which includes both an education and workfare component.

Cities Honor Members

Assemblyman Dominic Cortese (D-San Jose) and Senator Milton Marks (R-San Francisco) are recipients of Legislator of the Year Awards from the League of California Cities for their sponsorship of legislation, AB 895, to restore $607 million to local government budgets.

Second Trust Deeds

Legislation to protect homeowners from fraudulent second trust deeds on their properties will be introduced shortly by Senator Paul Carpenter (D-Cypress) whose constituents have been victimized by a second trust deed scam. One of the immediate objectives of his legislation will be to ensure that such victims get a clear title reinstated on their homes.

Reapportionment Commission

The Joint Committee on Campaign and Election Reform, co-chaired by Assemblyman John Vasconcellos (D-San Jose) and Senator Bill Lockyer (D-San Leandro) is in the process of developing proposals for the creation of an independent reapportionment commission. Three models are under consideration: 1) a 13-member citizens commission; 2) a judicial panel; and 3) a computer generated plan.

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Bruce Young:
Boyish, canny and powerful

By LARRY PETERSON

If you asked a stranger to look at California lawmakers and pick the one who had just been found guilty of committing deceitful political tricks, chances are that the finger would never point at Assemblyman Bruce Young. For of all the faces at the Capitol, none looks more cherubic and boyishly innocent than his.

But on September 16, 1983, the Fair Political Practices Commission put a different face on Young's affairs. The commission announced that Young had paid a $13,000 fine — the largest single amount ever paid by a legislator to the commission — for 15 violations of California's Political Reform Act.

The commission found that Young had deceived voters by setting up campaign committees that were supposedly independent of himself but through which he received and spent campaign contributions. Thus, he received contributions from supporters of special interest legislation without telling voters that he was taking the money. Also, he financed "hit pieces" in a local election without telling voters that he was involved.

Young, a 37-year-old Democrat from Cerritos, contended later that his failure to file proper reports concerning the committees was not intentional but the result of a clerical "screw-up." However, commission chairman Dan Stanford appears to have anticipated Young's response and rebutted it in advance. In the commission's September 16th announcement, he declared: "These were not merely technical violations of the Political Reform Act. The commission found that various campaign committees were established for the purpose of concealing the fact that a state legislator was actively soliciting contributions from special interests for whom he was providing legislative support."

Nor was the commission's action against Young entirely surprising to those who have been following his career.

Larry Peterson, political editor for the Santa Ana Register, *wrote a profile of Republican state Senator John Seymour for the November 1983* Journal.

Since his first election in 1976, Young has become known as a master manipulator of the legislative process, often able to avoid the public hearings that might kill his measures. Also, several news accounts, most notably in the *Long Beach Press-Telegram*, have pointed to some close connections between the legislation that Young carries and the campaign contributions that he receives.

The FPPC action against Young resulted from his formation of three campaign committees (in 1979, 1980 and 1981 respectively) without reporting — as required by law — that he controlled them. Since the committees were supposedly independent, they were not required to file pre-election reports showing the source and distribution of their funds.

According to the FPPC, Young's committees collected more than $40,000 from industry groups — trucking, banking and cable television — that "benefited from" Young's legislative activities. However, since there were no pre-election reports, the public was not informed until after the vote.

The FPPC noted that there is no law against a legislator's receiving campaign money from organizations that benefit from his or her actions. "However," its report says, "respondents (Young and his committees) acknowledge that timely disclosure of contributions from PACs (political action committees) and other interested parties is essential to fully inform voters of the sources of a candidate's and officeholder's total financial support."

The FPPC also cited Young for failing to disclose his role in three mailings against two council candidates in an April 1982 City of Lakewood election. Although money for the mailings ($7108) came from one of Young's committees, the mailings themselves did not disclose their real source. Instead, the mailings identified themselves as coming from the "Responsible Government Committee of Lakewood," an organization set up at Young's suggestion by another city council candidate in the race, Larry Van Nostran.

Under the heading "Aggravating Information," the FPPC report notes that one of the three mailers aimed at city council candidates Jo Bennitt and Dan Branstine charged them with endorsing the "radical politics" of Tom Hayden and declared that Hayden was attempting to gain control

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of the Lakewood City Council. (Hayden, of course, is one of Young's Democratic colleagues in the Assembly.)

Continuing, the FPPC report notes that a second negative mailing against the two candidates associated them with Don Plunkett, a former mayor of Lakewood who was recalled by voters. "In such negative mailings," the FPPC says, "it is especially important that the correct sender of the mailings be identified. . ."

Young says he put money into the Lakewood election at the request of another Assembly Democrat who told him that Republicans were putting up money on the other side. However, others offer a fuller version. They note that Young has been contributing to several local candidates in his southeast Los Angeles County area and they speculate that his goal is to win friends and influence people in case he should decide to run for Congress someday.

Chicago-born

Born in Chicago, Young was orphaned at an early age. Adopted as a five-year-old, he moved with his new family to California in 1951. He grew up in Cerritos, attended California State University, Long Beach and Pepperdine, then worked as a reporter for the *Long Beach Independent-Press Telegram*, served as director of creative marketing for Disneyland and marketing director for A&W Root Beer. His political skills were honed when he served seven years on a local school board.

During his three-and-a-half terms in the Assembly, Young has risen quickly and now chairs the important Transportation Committee. Along the way, he has built an impressive political organization in his largely blue-collar 63rd District. Twice he has gone into the general election virtually unopposed, having won not only the Democratic primary but as a write-in candidate on the Republican side as well. One reason, says a former staff aide, is the attention Young pays to constituent problems and the things he is able to do for his district. (For example, it was recently announced that the proposed high-speed bullet train between Los Angeles and San Diego will make only one intermediate stop in Los Angeles County — Norwalk, in the heart of Young's district.)

Young's relative safety in his own district allows him time to aid embattled Democrats elsewhere. In 1980, for instance, he came to the aid of Assemblyman Chet Wray of Westminster by sending a mailer to Republican voters in the district. In it, he implied that Wray was a Republican by describing Wray and GOP presidential candidate Ronald Reagan as "the team for the '80's." The ploy helped Wray eke out a 497-vote victory.

Two years later, Young fostered a similar mailer, linking Wray with Republican candidates George Deukmejian and Pete Wilson. This time, though, Wray lost. Young justifies the tactic on the grounds that the top Democratic candidates had little support in Wray's district. Thus, Wray stood to gain by having his name linked with Republicans.

In the Legislature, Young is known as one who gets things done. "He is remarkably able to read where the power is and leverage that power," says Orange County attorney Ron Cordova. Although a Republican, Cordova was once Young's Democratic colleague in the Assembly and now serves as his personal attorney.

Dennis Mangers, a lobbyist for the cable industry and Young's Sacramento roommate since the days when they were Assembly colleagues, calls him "a composite of the effective legislator."

Why so effective? "Political savvy," says Mangers. "He knows every member of the Legislature well. He knows their strengths and vulnerabilities. He follows their districts. He can get another member's vote by relating a bill to a particular legislator's district or problems."

Young is also what Mangers calls "a tenacious author" who knows how to use the Legislature's rules, protocols and parliamentary procedures. "Some (lawmakers) just walk away if they don't get a vote in committee," Mangers says. "But Bruce knows how many times a bill can be reheard, and he knows the ins-and-outs for getting that rehearing."

Because of his success record, Mangers says, lobbyists naturally gravitate to Young to carry bills for them. Young is important to lobbyists also because of his committee assignments. In addition to his chairmanship of Transportation, he sits on the influential Finance and Insurance Committee and on the all-important Ways and Means.

In any case, Young's legislative clout is beyond question, if only as measured by his ability to collect campaign contributions. In 1980, for instance, he took in $351,732, enough to rank him 11th among the 80 members of the Assembly. During the first six months of 1983, he took in $142,205, fourth best in the lower house.

Young resents the implication his contributors are buying influence. "I've never had someone come to me and say, 'We gave you such-and-such, therefore you vote this way.'

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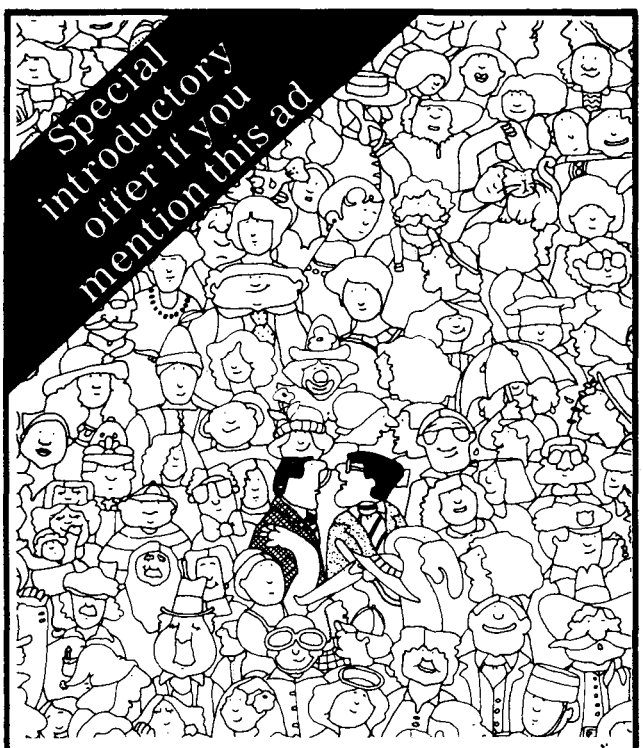

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Besides, I get contributions from both sides on a lot of bills. And although I might support a contributor's position on one bill, I sometimes vote against it a week later." Young also notes that he received only small contributions from the cable television industry in 1978, the year in which he carried major cable-supported legislation to deregulate the business.

However, the cable industry has recently been more generous, providing Young with $9000 in contributions and $2000 in honoraria between January 1981 and June 1982. It's also given him $4000 during the first six months of 1983.

Young's involvement with campaign contributors has been examined most extensively by the *Long Beach Press-Telegram*. In a lengthy story of July 3, 1983, the paper pointed to Young's sponsorship of 1982 legislation that liberalized various workers' compensation rules and noted that he received $8300 that year from an attorneys' group that benefitted.

"Sure the interest groups won," says Young, "but so did a lot of injured workers." He also called the bill a legacy to his adoptive father, William Young, who developed asbestosis after years of working with asbestos without a mask. His father's employer, Young says, refused to help. "I know there are a lot of other William Youngs out there," he says.

Moriarty

The paper also has pointed to Young's involvement with W. Patrick Moriarty, the owner of a fireworks-making firm in Orange County. In 1981 Young served as Assembly point-man for a bill that would have helped Moriarty by preventing cities and counties from banning so-called "safe-and-sane" fireworks. (The bill, authored by another Moriarty friend, Republican Senator William Campbell of Hacienda Heights, generated an uproar and was eventually vetoed by then-Governor Jerry Brown.)

Young's connection to Moriarty reportedly dates to 1978 when the lawmaker invested in an Irvine bank. At the time, Moriarty was a director of that bank. According to an August 1983 story in the *Press-Telegram*, Young used his position and influence on several occasions to help Moriarty and has invested in a Moriarty-controlled development. Moriarty has helped Young as well. From January to June 1983, he contributed $5000 to Young's war chest.

(Moriarty recently surfaced in connection with another powerful Assembly Democrat — Floor Leader Mike Roos of Los Angeles, Young's close personal friend and political ally. According to *The Los Anteles Times*, Moriarty helped arrange a 1981 bank loan for Roos at highly favorable interest rates.)

Young's reputation as a legislative manipulator was enhanced during the waning days of the 1982 session when he pushed through the controversial "bullet train" bill (AB3647). The measure allowed issuance of $1.25 billion worth of tax-exempt bonds to help finance a proposed high-speed rail system between Los Angeles and San Diego. Opponents contended that Young's method — writing the bill into a last-minute conference committee report — deprived them of the public hearings they needed to state their environmental and economic objections.

Young says the conference committee was used because details involving the train were highly complex and "came together" at the last minute. It was not used, he says, to cut off debate.

"There was nothing heinous about the rail bill," he says. "We had to move fast because there is only so much private money around to build these kinds of systems, and Florida and Texas were already well under way. We had to beat them to the punch. All we did was create $3 billion worth of investment in California, and that's not all bad."

In the 1983 session, Young's last-minute maneuvers drew criticism from the California District Attorneys Association and Attorney General's office. In this case, he pushed through a bill (AB83) that allowed various trucking firms to escape pending prosecutions that could have cost them millions of dollars in penalties and fines. Many of the prosecutions were based on private weigh station records. Young's bill destroyed the cases by making pre-1984 records inadmissible in court. Despite objections from the law enforcement groups, Governor Deukmejian allowed Young's bill to become law without his signature.

According to Young, the bill corrected an injustice. "If you're going to use private records as evidence," he explained, "people should have advance warning of that, and the evidence should not be used *ex post facto*."

A moderate

Young describes himself — as do most others — as a "moderate Democrat" generally sympathetic to the concerns of business. Playing to the sentiments of his blue-collar constituents, Young often baited former Governor Jerry Brown during Brown's years as chief executive. "He has so much ego," Young would say of Brown, "that his dream is to die in his own arms." In addition, Young was the Assembly sponsor of an anti-busing measure that voters approved in 1979.

(The author of that measure was Democratic Senator Alan Robbins of Van Nuys. In 1981, when Robbins was on trial for illegal sex with a teenage girl, Young provided him with an important alibi. Young testified that Robbins was meeting with him at the time the girl said Robbins gave her $100 to buy a birth-control device. Young's testimony was subsequently challenged after a documents expert said the assemblyman's datebook showed erasures on that date. But Young stuck to his account, explaining that appointments are frequently rescheduled. Robbins was acquitted.)

Despite his self-described Democratic moderation, Young insists that he believes strongly in government help for the poor, old, sick and disabled. But, says he, "the more business and jobs government can create, the easier it is for government to do its job because there isn't as much need for other government programs."

Young also says he supports campaign finance reform. He likens the on-going, upward spiral in campaign costs to "the nuclear arms race" and says he would "do anything" to end that trend and make it "possible for ordinary people to run for office and have a fair chance."

To that end, he says, he voted for campaign reform bills sponsored in the Assembly by fellow Democrat John Vasconcellos of San Jose and Republican Ross Johnson of Fullerton. Both bills, approved by the Assembly and pending in the Senate, would limit campaign contributions and spending. The Vasconcellos proposal would also set up a limited system of public financing for campaigns.

Over the past two years, there has been widespread speculation about Young's future. Friends say that Young is a reformed "Oreo freak" who has sworn off sugar and is now involved with regular physical exercise programs. Concerning politics, Young says he has no interest in higher office, a position he took even before the FPPC clouded his career.

The final throes of a "wrenching divorce" have, he says, brought him to a crossroads in his life and his immediate concern is to spend more time with his daughter, Tracy. (Young has custody of the 14-year-old girl; his son lives with his ex-wife in Seattle.) Young's friends say that although concern for his daughter is genuine, no one expects him to bow out of the political arena. "I kind of think I'm pretty good at it," Young says of politics. "I can make a difference on some pretty important things."

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Truckers, railroads battle over new tax for road repair

By RON ROACH

Gwen Moore says she didn't know much about big trucks when, in 1978, she ran for the state Assembly by knocking on doors along bumpy Arlington Boulevard in Los Angeles. In her house-to-house quest for votes, she found one of the biggest problems facing her potential constituents was — and still is — the potholes that shake up their cars.

Moore says she thought then, because Arlington Boulevard is a city street, not a state highway, that the potholes were a local issue. That, she says, was before she became involved in a heavyweight debate over damage caused by big trucks. "I've learned more about trucks and trucking than I've ever cared to know," says the former Los Angeles Community Colleges trustee who is carrying a bill (AB613) that would stick heavier trucks with higher taxes and has aroused the truckers like not much before.

What makes all this noteworthy is that Moore is not alone. Behind her plan to put a new tax on big trucks are the truckers' big competitors: the state's major railroads. Essentially, the railroads contend that taxpayers are subsidizing heavy trucks by not requiring them to pay for all the road damage they cause. Since railroads receive no similar subsidy, they say, the only fair thing to do is to make the truckers pay more. And to prove that they are serious about the plan, the railroads have established a $247,000 campaign kitty to help pass a weight-distance tax bill.

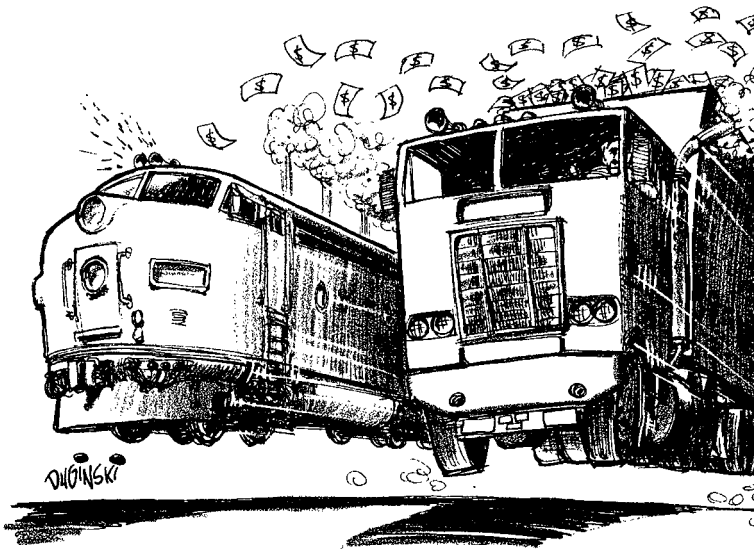
Currently, trucks and all other commercial vehicles (anything capable of carrying a load) are taxed according to their unladen weight. But heavy trucks have an advantage because all vehicles above 15,000 pounds pay the same $620 annual fee. Under Moore's measure, the heavier the truck and the farther it is driven, the higher its new tax would be. Rates would range from two-and-a-half cents a mile for 55,000-pound vehicles up to 10 cents a mile for 80,000-pounders.

Moore says her measure would raise more than $200 million annually for state and local government road construction and repair. Since about half the money would go to local governments, a variety of them are supporting the bill along with the Automobile Club of Southern California.

Trucker opposition

As might be expected, the California Trucking Association is not sitting on its hands. Generally speaking, truckers contend that they already pay heavy taxes and that there is no evidence that heavy trucks cause as much damage as Moore and the railroads say. Concerning taxes, they note that weight fees went up 50 percent January 1, 1982, and rise another 10 percent January 1, 1984. Truckers say the weight fees bring in about $235 million annually, about half of which comes from the heavier vehicles.

Ron Roach is Capitol Correspondent for the San Diego Tribune.



The numbers are not nearly so clear, though, when it comes to assessing the actual damage done by heavy trucks. For instance, Moore and the railroads concede that heavy trucks pay a large share of the fuel tax because, being heavier, they burn more. But, says Moore, they still don't pay enough. Road tests by the American Association of State Highway Officials (AASHO), she notes, show that an 80,000-pound truck uses only 17 percent more fuel than a 50,000-pound vehicle but causes 600 percent more road damage.

Truckers say these studies are flawed or biased, or both. They say, for example, that the AASHO road tests did not take weather and engineering standards into consideration. The CTA also disputes a 1979 U.S. General Accounting Office report frequently cited by the railroads because it states that AASHO road-test formulas indicate that a typical 80,000-pound truck "imposes as much as 9600 times the load on a highway as does a passenger automobile." Truckers counter that the railroads ignore that AASHO's 1950s road data — used in the 1979 report — resulted from tests on properly designed as well as underdesigned pavement and did not report how well the properly designed pavement held up under heavy loads.

Railroads also cite a 1976 California Department of Transportation comparison of road maintenance needs on the truck-free Pasadena Freeway and Route 99, a heavily used truck route in the central valley. Substantial pavement overlay repair was needed on Route 99, the study said, while the Pasadena Freeway at Arroyo Seco needed no overlay repair for 35 years.

In response to that one, trucking association official Joel Anderson offered no numbers. "We can show contrary studies, physical results that are the exact opposite of what they say," he commented.

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Truckers also contend that Moore's bill will require them to produce tons of expensive paperwork. "There is no need for a third structure tax which has proven to be the most inefficient and the most costly of all taxes to administer when there are better ways to get equal amounts of dollars to the highway out of the taxpayers," says Anderson.

Moore replies that her weight-distance bill would impose a tax based on the anticipated maximum load declared at the first of the year, multiplied by actual miles driven and paid on a monthly basis. This tax is not, she says, the controversial ton-mileage fee that truckers are talking about. The ton-mile tax would be much more complicated to administer since it would be levied on the basis of actual weight for each trip.

Moore introduced her first weight-distance bill in the 1981-82 session of the Legislature. It got nowhere. She reintroduced the bill this year, only to see it stall in the Assembly Transportation Committee, where the CTA has lobbied heavily — and sent checks to campaign funds of key members including chairman Bruce Young, a Democrat from Cerritos. A friend of truckers on this and other issues, he has received more than $8000 from them in the last two years.

The bill is dead unless it gets out of the committee and clears the entire Assembly, to go to the Senate, by the end of January. If she fails, Moore says she will put in another bill later. "It is the right direction," says the 39-year-old Moore. "It is the only direction. When I get to be a gray-haired old lady, I'll still be carrying this bill because I think it is right."

Moore angrily rejects notions that the railroads control the bill or that she has received an unusually large amount of campaign contributions from railroads. Her motive, she says, continues to be local government's problems in finding enough money to fill chuckholes. "Arlington Boulevard has giant potholes. They are worse now than they were in 1978. We could not find the money anywhere to fix them," she says.

Santa Fe, Union Pacific and Southern Pacific railroads have given $5550 to Moore, an unusually high amount to a Democrat from these sources, since January 1982. Overall, they made $113,507 worth of campaign contributions during the period, according to Legi-Tech, a legislative reporting service. For its part, the trucking association reports political spending of $103,550 through its political action committee, CARGO.

A prelude

On top of everything else, the truckers see Moore's bill as a prelude to federal action. "I know a great deal of watchfulness is on California because if California falls, many people, especially the rails, believe it (a federal weight-distance tax) will be easier," says Thomas C. Schumacher Jr., vice president of the trucking association.

At the moment, Moore is making no predictions of success, particularly since the Western Traffic Conference (composed of the big retail shippers like Sears, Mervyn's and Macy's) and the California Manufacturers Association have come in against her bill. According to the trucking association's Anderson, Sears is prepared to testify that the Moore bill will raise shipping costs by $2 million annually for Sears alone.

Meanwhile, Moore is hoping to pick up a few votes for her bill by inserting exemptions for some agriculture, timber and small trucker interests. For their part, truckers also indicate a willingness to give — perhaps through higher taxes in the form of a commercial fuel differential. But it's still a vehement "no" to the weight-distance tax.

Moore says she is confident Governor George Deukmejian will approve it if she can get the bill to his desk. However, the administration so far has no position on the legislation.

Moore believes time is on her side, largely because of increasing highway deficits at both the state and local levels. For instance, Bill Tuomi, senior transportation planner for the San Diego Association of Governments, reports a $16.2 million annual shortfall in the region's road maintenance budget. In 1970-73, San Diego County resurfaced each roadway every 10 years, Tuomi says, but the 1980-83 pace has been only once every 40 years.

So even if her bill doesn't pass this year, Moore will be hopeful and will return. And Schumacher, of the truckers, has no doubt that she will. "Revenue bills don't die," he says.

ROOKIES *continued from page 14*

Assembly, Jones is already regarded as a GOP ace on agricultural and labor issues.

A quiet man, Assembly staffers indicated that Jones isn't much of a speech-maker but that his comments in committee are thoughtful, precise and well-regarded by members. "He cares mostly about his constituents' interests," said a former committee consultant. For example, the consultant noted that Jones was instrumental in saving Amtrak service for his central valley district, and although other lawmakers got most of the credit, "Jones worked behind the scenes and refused to take any credit if it meant losing the project."

"Sharp, very articulate, a conservative but not a fossil," said a senior Democratic staffer in summing up Jones. "He's one to watch for the Reeps." Though Republican, Jones has some Democratic connections. His father, C. William Jones, was once a member of the state water commission, appointed to the post by former Governor Pat Brown.

In addition to the six lawmakers mentioned above, the *Journal's* informal panel of Assembly experts had favorable words for other freshman as well.

Democrat **Dan Hauser,** the former mayor of Arcata in the north coast country, was described as having a good stock of common sense and courage. Said a colleague, "He's taken risks (on environmental issues) that his predecessor (Congressman Doug Bosco) would never have taken. He knows the issues and does his homework."

Republican **Frank Hill** of Whittier, who turns 30 next month, was a Washington staff aide to former United States Senator S.I. Hayakawa. He is generally regarded as what one lobbyist called "a real straight shooter. He'll tell you where he's at without being asked, a trait not usual among legislators." "Solid and reasonable," said a Democratic colleague.

According to some, **Burt Margolin,** Democrat from Los Angeles, may be the most politically savvy freshman, a talent he acquired while serving as an administrative assistant to assemblymen (now congressmen) Henry Waxman and Howard Berman. Like Davis, the wry-witted Margolin chairs a committee (a criminal justice subcommittee on county jails).

Lucy Killea, a Democrat and former deputy mayor of San Diego, is regarded as a hard worker whose experience in local government puts her ahead of most freshmen in an area that one colleague called "one of the most important to the Legislature." She is chairwoman of a select committee on international trade and vice-chair of the Transportation Committee. "She's intent on doing the job right," said a lobbyist.

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Quentin Kopp: A one-man conservative machine

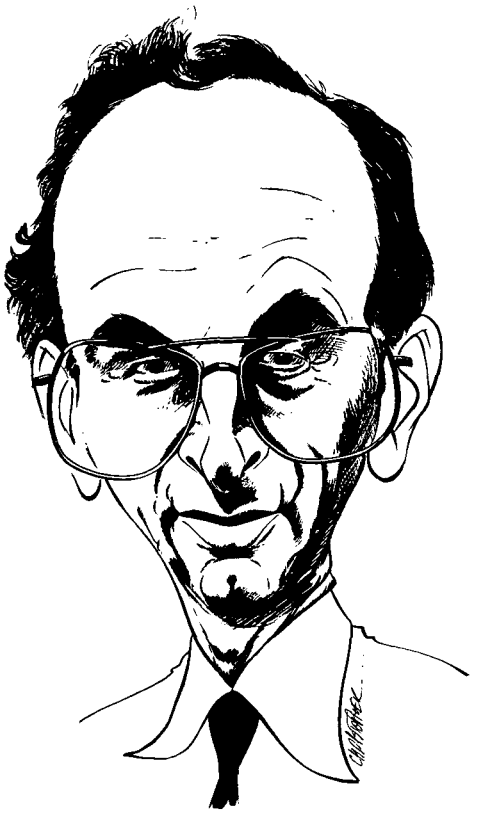
By MARSHALL KILDUFF

To straight-arrow homeowners in the foggy western reaches of San Francisco, Democrats like super-hip Assembly Speaker Willie Brown or ever-earnest Mayor Dianne Feinstein are not the true stars of local politics. These skeptical voters save their support for mainly one man — Supervisor Quentin Kopp.

The tall, gangly Kopp is no glamour-puss in a town full of celebrity politicians. He loves to shoot from the hip, bully city officials and act like the "troll under the drawbridge of civic life," as one local newspaper writer put it.

"He tells you right away where he stands," said an older woman standing on a Sunset district streetcorner deep in Kopp country. Said another man outside a nearby hardware store: "I don't agree with a lot of his stuff, but I vote for him every time because we need that sort of a tough guy."

That's Kopp — Mr. Cough Medicine. He can be strong stuff, pretty hard to take at times, but definitely what the doctor ordered for a skeptical, tax-paying conservative soul. In his 11 years on the Board of Supervisors, he has etched one of the strongest profiles of any city politician — a stubborn, astute Lone Ranger riding to the rescue in a town full of liberal desperados.



Kopp seems to do everything wrong in San Francisco politics. Though a life-long Democrat with no plans to change his party, he was a co-sponsor with GOP Assemblyman Don Sebastiani of the ill-fated reapportionment plan eventually tossed out by the state Supreme Court. He defended the law-and-orderish Victims' Bill of Rights and denounced efforts to widen loopholes in Proposition 13. He has bad-mouthed the nuclear freeze movement and wanted to close up the Soviet consulate in San Francisco after the downing of the Korean jetliner in September. Even his campaign to end the bilingual ballot — endorsed by San Francisco voters this past November — ran contrary to the liberal sensibilities of the city's organized Democrats.

Marshall Kilduff, a reporter for the San Francisco Chronicle, *is a frequent contributor to the* Journal.

Instead of broadening his base, Kopp alienates would-be allies. For example, he attracts environmentalists by expounding about the danger of radioactive waste dumps in the Pacific near the Farallon Islands, then sends different signals by regularly denouncing a local tax to buy more city parks. He will sponsor laws calling for item pricing of supermarket goods — a key issue for consumer groups — then annoy some hardcore consumer leaders who want him to oppose high-rise controls. "Kopp is a reverse Walter Mondale," jokes Harvey Hukari, regional political director for the Republican National Committee. "Kopp can't seem to say 'yes' to any group."

Adding to this political mix is Kopp's manner. "Acerbic," "crabby" and "bitter" are some of the nicer words used by his foes. He can be so divisive and rough that his support can actually hurt in a close vote of supervisors. "The guy has made a lot of enemies and injured some feelings," says a lobbyist. "If you have something that is going to be a close vote, he's the last guy you want to introduce it."

"People like me to tell it like it is," Kopp shrugs. "It may cost me a few votes here and there, but it clears the air."

His supporters, like the people on the fogbelt street in the Sunset, find such abrasiveness a delight. "You have to realize that the precincts where Quentin does best really amount to places that are in line with the rest of the state," says Jack Davis, a political consultant who often works for Kopp. "It's just in San Francisco that he seems so different." Kopp's mainstay voters broke with the rest of the city by preferring Pete Wilson over Jerry Brown in the 1982 Senate race and by supporting the Victims' Bill of Rights.

Kopp has become a one-man conservative machine in San Francisco. He mails out 50,000 leaflets listing his preferences during each city election, and his support can be critical on so-called "Kopp issues" — those involving bonds, taxes and public spending. For instance, after voters had twice dumped a salary raise for city supervisors, Kopp supported a third plan which then breezed to victory.

Kopp the political independent began life as an outsider. He grew up in Syracuse, New York, where his father, a Jewish immigrant from Lithuania, ran a drugstore in a

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neighborhood dominated by Irish and Italian newcomers. Both parents dabbled in local Democratic politics, with his father even running unsuccessfully for county treasurer. "My family worshipped FDR, and we always talked about politics at the dinner table," he recalls.

As a youngster Kopp was taught that shyness was a sin, both in politics and on the job at the pharmacy. "Times were tough, and so every customer was precious. You had to get up and not sit around in the store like people do today," he says.

He did well enough in local schools to get into Dartmouth and Harvard Law School. After stints as a lawyer in the Air Force and with the New York Waterfront Commission, Kopp came west to San Francisco. He went to work for the ultra-conservative downtown law firm of Pillsbury, Madison and Sutro, but he found the job "not my cup of tea" and opened his own office.

Kopp the politician was also feeling his way. He worked for Stanley Mosk, now a state Supreme Court justice, when Mosk ran for state Attorney General in 1958. He also worked for John F. Kennedy's presidential effort in 1960. Kopp became a surrogate speaker who represented his candidate before small Democratic clubs, lined up endorsers and raised money — a process that enabled him to catch the eye of party elders and plan for the day when he himself could run.

In 1969 Kopp was next in line for the so-called "Jewish seat" on the city Board of Education, which was then appointive. But political rivals blocked him, postponing his debut. So he attracted attention in another way when, in 1970, he began battling with the city public school system. An experiment in busing school children was due to begin, and one of Kopp's children was involved. He came to the fore by representing a number of Chinese parents alarmed that their children were being shipped out of Chinatown with its tightly knit society of after-school language classes and family associations. On the strength of his anti-busing image, he ran and won a seat on the Board of Supervisors in 1971.

An independent

Kopp quickly established himself by complaining about growing budgets and feuding with politically powerful labor leaders. Yet he steered clear of being labelled an errand boy for downtown interests by, among other things, favoring a bill that forbade landlords from discriminating against renters with children.

Also, his steady attacks on retirement abuses and wage-setting practices for fire and police resulted in strict wage and pension formulas that took the role out of supervisors' hands and thereby weakened labor's influence over city hall. He launched a minor crusade to do away with the buying and selling of taxicab permits and continually railed against tax increases. Along the way, friends nicknamed him "Kosher Cowboy" for his free-wheeling, fanny-kicking style. Foes, on the other hand, called him "the abominable No-man" because of his frequent quarrels with spending plans and social programs.

In the meantime, his marriage to his former law secretary was crumbling. "She wanted a house in Marin, dinner parties and the nice things that go with being a lawyer's wife," says Peter Bogardus, a stockbroker and close friend. "The last thing she wanted to do was go to candidate nights and smile for a bunch of strangers." Adding to the sting was the fact that Kopp's wife left him for his former law partner.

In 1979 he ran for mayor — holding himself out as a no-nonsense populist who would stand up for neighborhood causes favored by liberals and ward off tax increases to satisfy conservatives. It was a risky bit of fence-straddling because Kopp had to sell himself to a lot of single-issue crusaders such as minorities, environmentalists, tenant activists and gays who mistrusted his conservative past.

His starchy lawyer look was softened by dumping his old wardrobe for fashion-plate suits with pleated pants and pastel shirts while television commercials soft-pedaled his curmudgeon image. The political and cosmetic makeover nearly worked when, in a primary, Kopp badly scared incumbent Dianne Feinstein by getting 40 percent to her 42 percent. But in a head-to-head run-off, she decisively beat him by a 56 to 44 percent margin.

The defeat was a grating experience for Kopp, who had never lost an election. Today, he feels that his appeal to both sides of the political spectrum was a mistake; he should have run harder as a conservative pureblood. His fretting over single-issue groups was undignified, Kopp now feels, especially when it came to wooing the noisy aggregation of gay political clubs. "I appeared to be too much of a supplicant," he says, adding that his efforts cost him votes among his original base.

Though Kopp is hardly anti-gay, he remains mistrustful of the group. In the mid-70's he refused to endorse an honorary proclamation later issued by the supervisors to a well-known lesbian couple. "Toleration yes, glorification no," Kopp said at the time.

After the wounding race for mayor, Kopp settled back into his old image as the avenging conservative battling against the liberal host. In 1980 he campaigned for re-election with a brochure showing him standing in his shirtsleeves with a sour-pickle stare on his face. "Can you imagine City Government without him?" ran the slogan. "What the hell," manager Clint Reilly recalls, "what people liked about him was that he was so tough." Kopp finished first in a huge pack of candidates.

Since then Kopp has toyed with running for nearly every office in sight, but his loss in the mayor's race has made him very choosy about where to run next. "He only wants a sure thing," one Kopp watcher says. He declared for state Board of Equalization but backed out within days when he saw that he was up against Conway Collis, a well-financed contender who eventually won. Kopp then considered running for local district attorney but decided that the salary of $76,499 per year was too small with three children at or near college age. Kopp also looked at running for the late Phil Burton's seat and is now a possible candidate for the state senate seat held by Republican Milton Marks. That legislative job would allow him to continue his lucrative law practice. Or he could just run for another term as a supervisor. "I'm not going to leave public life," he says, an admission that promises to keep City politics lively.

Kopp the Communicaster

Want to go one-on-one with Quentin Kopp to air your views? You have that chance every Sunday night from 10 to midnight, for that's when San Francisco's premier curmudgeon takes to the air as a talk-show host over KGO radio (810 AM). Though it's not the primest of times, KGO station manager Jack Swanson says about 20,000 Bay Area listeners are tuned in to Kopp each week, a 4.7 market share (second best for his time slot among the region's 66 radio stations). Does his KGO platform give Kopp an advantage in promoting causes near-and-dear to his curmudgeon's heart? Not really, says Swanson. "The only way a talk show works is when people call and say, 'You're wrong.' " Swanson adds, however, that when Kopp once again becomes a declared candidate for public office, he must leave KGO until after the election.

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June primary count could be a two-day affair

By DOUG WILLIS

After casting their ballots in the presidential primary next June 5th, most Californians will flip on television or radio sometime that Tuesday evening, expecting to hear how California's voting turned out. They will probably have better luck if they get a good night's sleep first, because there may not be significant returns until sometime Wednesday.

Ask any top California election official when he or she expects complete returns this year, and all you will get is a heavenward look and an indefinite apology such as, "We know it will be slow." Ask the reporters or editors making the plans necessary to get that vote result to you, and in most cases you get sarcastic estimates about which month.

The cause for all of this concern is the complicated Democratic presidential primary, but it will affect the time required to count all other races as well. Instead of voting directly for presidential candidates, as Californians have done in past elections, Democrats in the June 5th primary will vote instead for individual delegates pledged to candidates (see "Choosing Delegates," CJ, December 1983). However, there will be no statewide slate of delegates for each candidate. Instead, voters in each congressional district will elect a portion of the delegate total. The number of delegates to be elected from each district varies from three to eight, but a typical district will elect six.

Thus, if there are eight presidential candidates in the race (as there are now and probably will be at the filing deadline of March 14th), a Democratic voter in a typical district will be handed a ballot carrying 48 delegate names, with instructions to choose any six. That means the Democratic ballot will be longer than ever before — so long that in some counties it may require a separate ballot.

Doug Willis, chief of the Associated Press bureau in Sacramento, is a frequent contributor to the Journal.

The new election rules do not affect the format of the Republican ballot. As in past elections, Republicans will have a simple ballot with the names of the presidential candidates, and the winner will take all 176 California delegates. But the GOP returns will go through the same vote-counting mechanism that will be jammed by the Democratic ballot.

Reduced voter turn-out

When Democratic Party leaders overhauled their rules for selecting California's 345 delegates to the Democratic National Convention, one of their stated goals was to increase voter participation. But a more likely impact of the long Democratic ballot may be to create delays and long lines at the polls, thereby reducing the voter turnout.

But the first and most important point of potential confusion will be in the voting booth. The ballot not only will be long for Democratic voters, but it will be unfamiliar. Instructions preceding the long list of candidates for delegate will tell voters, if they are in a congressional district entitled to eight delegates, that they may vote for any eight from the following list of 64 delegate candidates.

The ballot will clearly state which candidate each prospective delegate is pledged to support, but in many local ballot formats, the list will cover several pages of the ballot, with all of the problems of flipping forward and back through a ballot in the voting booth. The voter in this example may cast all eight votes for delegates pledged to the candidate of his choice, or he may split those eight votes among individual delegates pledged to different candidates. But on punch card ballots, it's easy to lose count and difficult to go back and check how many holes you have punched.

Cumulative delays

This process will slow the vote count at several crucial steps, and the delays are cumulative:

— The polls. A similar long ballot in 1972 caused such long lines in San Francisco that a judge ordered polls held open an extra three hours and prohibited the counting of any vote statewide until 11 p.m. Although remote, that potential exists again.

— Districts. The vote in California is counted by county, but delegate elections are by congressional district. The current gerrymandered map of California congressional districts stretches some districts over parts of several counties.

— Counting. Even computerized tallies start with the manual or mechanical feeding of punched cards into data processing machines at a relatively slow speed. Every extra card adds time. One way to describe the impact of tabulating ballots for a potential 1672 delegate candidates is to note that this total is more names than the combined total of all candidates for the Legislature and Congress in all five of California's partisan primaries in 1982.

— Disqualified ballots. When a confused voter entitled to choose five Democratic delegates votes instead for six, the ballot will be disqualified. In some counties, this will slow the initial count. In others it won't. But in every county, challenged or disqualified ballots delay the final total.

— Statewide tabulation. Only two

Continued on page 36

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State readies for battle over unitary tax

By DAN WALTERS

British Prime Minister Margaret Thatcher, who invaded the Falklands, and President Ronald Reagan, who invaded Grenada, are joining forces to attack a new foe: California.

The Japanese, whose recent invasions have been purely economic, are aligning themselves with Thatcher and Reagan, as are some of the world's largest multinational corporations. They are launching a new political offensive at California's "unitary" method of corporate taxation. The stakes are immense, perhaps as much as a half-billion dollars per year. And California's Governor George Deukmejian, who wants both to hold down taxation and recruit more business to the state, is caught in no-man's land.

In the aftermath of United States Supreme Court rulings that uphold California's right to use the unitary system of taxing multistate and multinational corporations, Reagan — reportedly at Thatcher's request — has created a cabinet-level commission to delve into the system and propose ways to modify it.

The ultimate aim of the commission, which began hearings in November, is to produce federal legislation that would force California and 23 other states that use the unitary system to some degree to change their ways.

Unitary taxation is not a form of tax. Also known as "combined reporting," it is an accounting process designed to assure that multistate or multinational corporations pay their proper share of a state's corporate income tax. Under it, the state looks at a corporation's total income and then apportions a part of the amount to itself. (The apportionment is based on a formula involving payroll, sales and property values.)

Under the so called "arms length" system used by the federal government and most other states, the corporation itself reports how much of its income was produced in a particular state. California officials contend that this allows corporations to manipulate their internal accounts to reduce their overall state tax burden. thus, corporations may show low profits, or even losses, in a state like California that has a reltively high corporate tax rate. Conversely, they would show bigger profits in a state like Nevada, which has a lower rate.

The critics of the unitary system are worried that with the Supreme Court validation, other states, and perhaps other countries, will be tempted to adopt unitary taxation as a means of boosting corporate income taxes. That seems to be a well-grounded fear. Within months of the June decision, the Florida Legislature had approved unitary taxation in hopes of gaining some $100 million in new revenue.

The federal commission, headed by Treasury Secretary Donald Regan, is moving quickly, and some Washington observers believe that specific legislation could be proposed as early as next spring. Last month, in a victory for California taxpayers, the commission tentatively agreed that the federal government should not directly ban unitary but modify it and make its application uniform among the states.

Informal sanctions

High-level Japanese business interests already have imposed informal sanctions on new investment in California as a means of pressuring the state into modifying the unitary taxation system. And the British are warning — discreetly, but emphatically — that California could be targeted for sanctions if the system is not changed.

Officials at the state Franchise Tax Board contend that wiping out unitary taxation would cost California a half billion dollars annually in lost revenue. "The real issue is that certain corporations simply do not want to pay their fair share of taxes," says State Controller Ken Cory, chairman of the board and a steady defender of the unitary tax.

Opponents of the unitary tax contend that it is fundamentally unfair because California's tax-setting formula is not necessarily related to a corporation's actual profit or loss in the state. They also contend that the unitary system is unwieldy in that it requires corporations to maintain elaborate accounting records and to convert foreign operations into U.S. financial terms.

Some multistate corporations, such as automakers with factories in California, have complained about unitary taxation for years. But the debate began heating up in the mid-1970s when the state began receiving substantial investments from overseas. The British, with extensive banking and entertainment industry investments in California, and the Japanese, who had bankrolled some electronics plants here, emerged as the most vocal critics of unitary taxation and demonstrated that they wanted to do more than talk.

The British made a ban on unitary taxation a part of a complex tax treaty negotiated with the American government during the administration of former President Gerald Ford. When the details of the treaty became known, California officials, led by Martin Huff, then the executive officer of the Franchise Tax Board, raised the alarm.

At Huff's behest, then-Governor Jerry Brown wrote a strongly worded letter denouncing the treaty as an abridgement of state's rights that would cost California hundreds of millions of dollars. But then Brown — under fire for an allegedly hostile attitude toward business development — made a highly publicized trip to Japan to encourage investment in California and got an earful of complaints from Japanese industrialists and bankers. They told him that unless and until California gave them relief from unitary taxation, the state would not see any major additional investment from the East.

No idle threat

The Japanese boycott has not been an idle threat. Sony Corporation, which established an electronics plant near San Diego, has been a leader in discouraging other Japa-

Dan Walters, Capitol bureau chief for the Sacramento Union, *is a frequent contributor to the* Journal.

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nese firms from locating here. And Kyocera International, a major supplier of ceramic materials used in the semiconductor industry, has sold two California subsidiaries, citing the burdens of unitary taxation.

Brown's companion on his Japanese sojourn was Richard Silberman, a San Diego businessman who served in the Brown administration and who has had extensive business dealings with the Japanese. Silberman pushed Brown hard to reverse himself on unitary taxation.

After his return from Japan, Brown did a 180-degree turnaround. He sent a new letter to California's senators endorsing the British tax treaty. And he complained that he had received "flaky data" from Huff about the treaty's effects — a complaint that was not supported by the materials that Huff had given to Brown.

For the remainder of his administration, Brown tried to persuade the Legislature to change unitary taxation. He never was successful. Nor were he and other critics of the system successful in winning Senate ratification of the British treaty. Huff and other supporters of unitary taxation organized a counter-lobbying campaign among other states, and the treaty was ratified only after the unitary taxation section was removed.

Rebuffed at the state and diplomatic levels, the coalition of governments and companies opposed to unitary taxation next turned to the courts. The case *(Container Corporation vs. Francise Tax Board)* had been working its way through the system until it reached the Supreme Court as a test of a state's power to contravene national tax policy. The court ruled 5-3 on June 27th that unitary taxation is a valid expression of state taxing authority.

"Allocating income among various taxing jurisdictions bears some resemblance . . . to slicing a shadow," Justice William Brennan wrote in the majority opinion. "In the absence of a central coordinating authority, absolute consistency (among states and nations) . . . may just be too much to ask."

Fallout

Fallout from the decision came quickly. President Reagan appointed the cabinet-level commission that includes federal officials, corporate representatives and spokesmen for the states involved, including Deukmejian.

Craig Mackey, a spokesman for the Multistate Tax Commission, an organization that backs unitary taxation, said that Reagan acted after a personal appeal from British Prime Minister Thatcher. "When Thatcher plants a bug in Reagan's ear about unitary taxation, Reagan has got to listen," Mackey said. The Reagan administration had signaled its opposition to unitary taxation earlier by supporting the Container Corporation position before the Supreme Court.

Politically, the unitary taxation issue is a minefield for Deukmejian. Its elimination, either by state action or congressional fiat, could reduce California's revenues by so much money that it could endanger Deukmejian's hopes of getting through his governorship without a tax increase. Indeed, some administration officials believe that if the economic recovery is a strong one, Deukmejian may be able to cut taxes near the end of his first term.

And yet, Deukmejian also is making a major effort to attract business development to the state. He is getting the same pressure from the Japanese and other would-be investors that Brown received.

Deukmejian was fairly noncommittal on the tax during the 1982 campaign, telling one interviewer that "it may require some modification." He also knows, however, that giving just the foreign-owned corporations relief from unitary taxation could be a difficult thing to sell politically in California. And he knows that unitary taxation works to the advantage of many California-based corporations because it requires them to pay state taxes on only their operations here, not those in other states and nations.

Last March, for example, the state Board of Equalization, hearing an appeal from the Franchise Tax Board, ruled that Standard Oil of California (Chevron) is not required to pay California taxes on all of its overseas earnings. That 2-1 ruling may save Standard several hundred million dollars.

Deukmejian has what is described as "an informal group" studying the unitary taxation issue in anticipation of a climactic battle. His director of finance, Michael Franchetti, and the secretary of business, transportation and housing, Kirk West, are the prime members of the study group.

"It's an effort to see what has exactly been the effect of unitary taxation in California," said Nancy Ordway, a deputy director of finance. "We are looking at a variety of options."

PRIMARY *continued from page 34*

of California's 58 counties transmit their election returns to the state by computer for inclusion in statewide totals. The other 56 counties have clerks who telephone results of each delegate contest to Sacramento where other clerks punch the totals into a computer that feeds statewide totals to the news media.

Great strides in improved speed and accuracy of vote returns have been made in California in recent years. The state has been improving its computer tabulation almost annually for over a decade. In 1978, for the first time, that computer system was connected directly with the computers of Associated Press, United Press International and major newspapers, eliminating the delay and potential errors of recopying returns. But June 1984 could be a brief trip back to the long, slow counts of past decades.

The Long Ballot and Gann

The long ballot facing California Democrats in the June 5th primary could have a small, but potentially critical, impact on Paul Gann's Republican-sponsored initiative to cut the budget of the Legislature by 30 percent and restrict the power of its majority (now Democratic) party.

By law, initiatives are the last item on all ballots, following races for federal and state offices, and following bond issues and legislative proposals among the ballot propositions. There is always a slight drop-off in the number of votes cast from the top to the bottom items on the ballot, and the longer the ballot, the greater the drop-off. If Republicans have only one or two presidential candidates listed on their ballots, while Democrats have lists of 24 to 64 delegates to choose from, that could make a slight difference in the number of Democrats who get all the way to the bottom of their ballots to vote on the Gann measure.

If there are also long lines at the polls reducing the turnout, that also will affect the Democratic vote more than the Republican vote. A greater percentage of Republicans tend to vote mid-day, when there is less crowding. The after-work vote, when the potential for long lines is greatest, is traditionally the heaviest Democratic vote.

In a contest divided sharply along party lines, which is how the Gann measure is shaping up, such small differences could tip the balance.

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Wide support saves solar; tax credits survive Duke's axe

By MELINDA WELSH

Less than a decade ago, solar energy was little more than a gleam in the eyes of free-thinking futurists. Indeed, it seemed more realistic to believe the utility company view that solar technology still needed extensive refinement — that it would not come of age until well into the 21st Century.

But today solar is firmly a part of the energy landscape. California has a billion-dollar-a-year solar industry and its all-important tax credits remain. Although reduced slightly, the credits survived the governor's attempt to abolish them, thanks in part to bi-partisan support from lawmakers and utilities. (See box.)

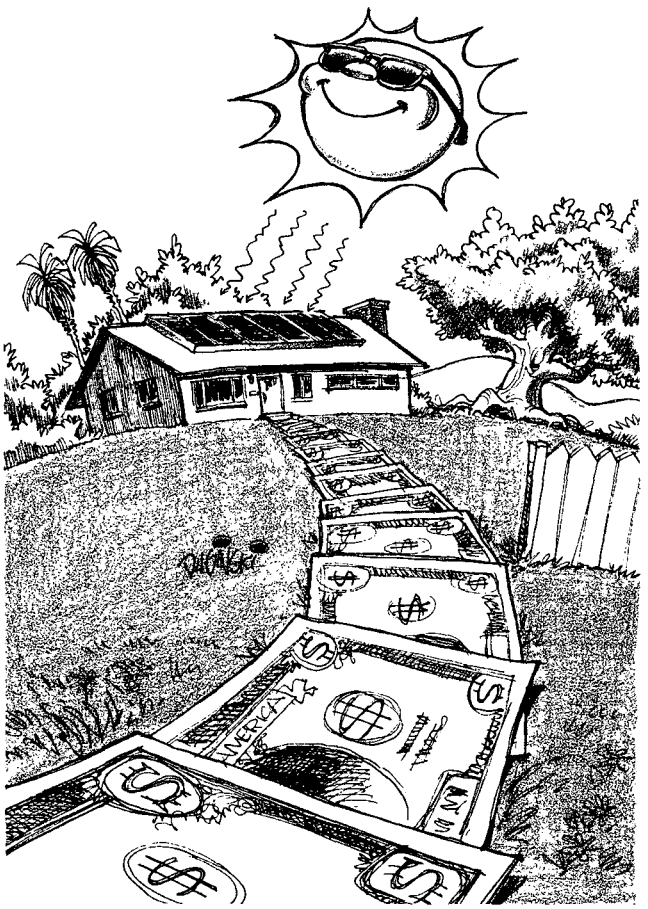
"The (solar) industry is not like some hobo on the corner asking for a handout," says Roger Salquist, president of Trident Energy Systems, a solar manufacturer. "If government is going to subsidize oil, coal and nuclear, then solar needs to be subsidized, too. Solar just wants its fair share."

The major obstacle to wide-spread use of solar energy has always been the initial cost of equipment. And this is precisely why the state needs to provide attractive tax breaks for its use, says the industry. Solar won't start making money on its own until about one-third of all California buildings use it — at least for heating water. And since only four percent of those buildings now use solar, there is little chance of spreading the solar gospel without the tax credits, the industry people say.

Governor Deukmejian originally took a firm stand against the credit, saying that Californians would install solar systems without them. The credit, with an annual estimated cost to the state of more than $85 million, was one of those programs that began as an incentive but had become a loop-hole, he said. Also, the governor wanted the tax break knocked out retroactive to January 1, 1983.

The administration's position shocked the solar industry. Although anticipating his opposition, proponents felt he would agree that the credits generated more revenue than they cost. Also, the industry assumed that the governor would be swayed by Republican lawmakers who supported the credit extension.

When it became apparent that Deukmejian wouldn't be swayed, the SolarCal Council (the state's solar-promoting agency, since abolished by the administration) orchestrated a series of public hearings throughout the state to generate publicity for the credits. At the same time, major corporations already committed to solar programs lobbied the governor and Legislature on behalf of the credits.



Nolan Daines, Pacific Gas and Electric vice-president for planning and research, submitted written testimony in support of the credits, as did representatives of Arco Solar, McDonnell Douglas and Westinghouse. All supported the notion that California's position as the logical center for the nation's renewable energy industry was due in large measure to the credits. That position, they said, would fade without a tax break.

Solar proponents also pointed to results from two recent studies, one by the federal Department of Energy and a second prepared for the Sheet Metal Workers International, a union that hopes to represent employees in the solar industry. Both reports said that the federal solar tax credit brought in more dollars than it cost. Conducted by the accounting firm of Arthur D. Little, the DOE study found that even if federal credits were boosted by 75 percent, the treasury would come out ahead because of increased sales, business, income and property taxes. Proponents said the same would be true for California.

Meanwhile, Democratic Senator Gary Hart of Santa Barbara (who, as an assemblyman, carried the first solar tax credit bill six years ago) and Democratic Assemblyman Tom Hayden of Santa Monica marshalled support for two tax credit bills, one in each house of the Legislature. Assembly GOP leader Robert Naylor even co-authored Hayden's bill, creating a surprising partnership (given Hayden's radical past) which symbolized the bi-partisan

Melinda Welsh is a freelance writer from Davis.

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nature of credit support.

In Naylor's words, the credits were "pro-business, pro-energy and pro-jobs," a Republican attitude that eventually helped sway the governor.

Finally, a compromise acceptable to both Deukmejian and the solar industry developed, and when the governor signed the budget trailer bill this past July, the credit extension, which was part of the measure, quietly went into effect.

From a builder's perspective, installing any expensive energy-saving features in a new home is of questionable value without tax credits. Because the builder normally wants to minimize costs, there is little incentive to add on, for example, an expensive solar water system — even a system with a three-year pay back. Thus, there appears to be a need to give builders the ability to write off a large chunk of their cost against taxes. Builders can choose whether to keep the state credit for themselves or pass it through to home buyers. The federal tax credit, however, must go to the buyer.

Typically, about 35 to 40 percent of the credits are used for domestic hot-water heaters. In the period between 1977 and 1982, for example, about 300,000 solar systems were installed in California — nearly four percent of all homes in the state. Still, according to the California Energy Commission, most individuals cannot afford the up-front money needed to buy a solar water heater.

As a result, opponents of the tax credit have called it "welfare for the wealthy," especially before 1980 amendments phased out the credit for solar-heated swimming pools. The industry responds that "everyone benefits" when businesses and families switch to solar and cut their use of non-renewable resources.

An industry emerges

In 1982 the state Office of Appropriate Technology (OAT) found that some 7,000 firms in California were engaged in the manufacture, distribution and installation of solar collectors, with 1500 businesses having solar as their primary focus. Those 1500 firms employed more than 21,000 people.

The largest of these solar business communities is in Los Angeles (27 percent), followed by the San Francisco Bay Area (19 percent), San Joaquin Valley (17 percent) and San Diego (11 percent). The average industry-wide salary is around $17,500.

Although the increased presence of major corporations in the solar field would seem to indicate that smaller businesses have been shut out, industry spokespeople report this is not the case. Because large companies are primarily interested in manufacturing solar systems, not in installing them, most of the smaller solar businesses have thus far been virtually unaffected.

California's energy and solar tax credits

By KAREN K. EDSON

In 1977, the California Legislature enacted the nation's largest and most comprehensive tax incentive for solar energy development. Since then, more than 40 states and the federal government have established similar incentives to promote the use of solar energy. In addition, California, the federal government and other states have enacted conservation tax incentives to encourage investment in cost-effective saving measures. As a result, California is home for the nation's largest solar energy industry and is a major exporter of energy technology to other states and countries.

The credits were due to expire on August 31, 1983. Governor George Deukmejian wanted to let them expire while the Legislature wanted to extend them. During budget deliberations, the Legislature's budget conference committee added a tax credit compromise to the trailer bill. By doing this, they effectively prevented the governor from abolishing the credits without vetoing the entire bill.

To cut the state's revenue loss this year, the compromise allows only one-half of all credits to be applied against 1983 taxes, with the balance applied against future tax returns. This provision only relates to systems and conservation devices installed between August 1st and December 31, 1983.

These then are California's revised solar and energy conservation tax credits.

Solar and Wind Energy Credits

- A 50 percent (reduced from 55 percent) credit can be taken to offset the cost of residential and non-residential systems up to a maximum $3000 credit. Systems eligible for the credit include domestic water heating, active and passive solar heating, photovoltaics, wind-electric turbines and commercial, industrial and agricultural heating processes. A federal tax credit of 40 percent must be deducted from the state credit, making the state's contribution 10 percent.
- A 25 percent (unchanged) credit can be taken for large, non-residential solar and wind systems whose total cost exceeds $12,000. Systems eligible for this credit are the same as for the previous credit.
- A 25 percent credit for solar systems that heat swimming pools and/or spas has been abolished.
- The expiration date for all solar and wind credits has been extended from December 31, 1983 to December 31, 1986.

Energy Conservation Credits

- A 35 percent (reduced from 40 percent) credit can be taken against the cost of purchase and installation of residential and non-residential energy conservation devices up to a maximum $1500 credit. Some devices are eligible for a credit without first having been declared necessary by a free home energy audit conducted by a local utility. These include water heater insulation blankets, low-flow shower heads, duct and plenum insulation, weatherstripping and caulking. Other devices, like whole-house fans and double-pane windows, require the audit. A federal tax credit of 15 percent for most devices must be deducted from the state credit, making the state's share 20 percent.
- A 25 percent (unchanged) credit may be taken for large, non-residential applications whose total cost exceeds $6000.
- The expiration date of December 31, 1983, for credits on devices that require audits, and for credits on non-residential and conservation devices installed in new homes, has been extended to December 31, 1985.

Karen K. Edson, a commissioner of the California Energy Resources and Development Commission, is presiding member of the commission's committee on energy tax credits.

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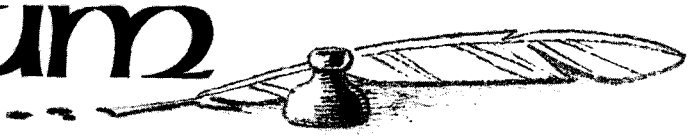

ALRB

When I read the title you gave my article in the December issue of your *Journal*, I almost went through the ceiling. The heading "Biased Board, Staff Made A Good Idea Go Bad" is misleading, and I would never have cleared it. I said that most of Governor Brown's appointees "gave the appearance, at least, of being sympathetic to" the cause of the UFW and Cesar Chavez. I cite inept leadership by Governor Brown, the sporadic appointments of some unqualified Board members, interference by both the growers and the union, and the existence and interference of pro-UFW staff. The title of Vic Pollard's article "Inept Leadership Caused Turbulent Past, Troubled Future" would have been more appropriate for mine and "Biased Board, etc." more appropriate for his.

HERBERT A. PERRY
Sacramento

(Mr. Perry is correct; the headlines were inadvertently reversed.)

As one of four co-authors of the Agricultural Labor Relations Act, I was involved in negotiations, both with legislators and the principal parties (United Farm Workers, growers and Teamsters), that led to creation of the law in 1975. Since reading Tom Houston's *Journal* quotes on the ALRA (Agricultural Labor Relations Act), I have spoken with others who also played key roles in the talks.

The claim that Houston "conducted many of the farm worker-grower negotiations" grossly exaggerates his role in those events. My own recollection and the memories of others who were present are that Houston played a minor part in the process. On the several occasions he did participate, he appeared to be a note taker for then-Food and Agriculture Secretary Rose Bird. . . .

Houston's claim of ALRB bias is false. Despite an unanticipated rush of elections (423 during the first five months of the act), the confusion of a new and unprecedented law and a staff which was often ignorant of farm labor and sometimes unabashedly biased in favor of growers and Teamsters, the board did an admirable job . . . .

Houston claims that the most sensitive provisions of the act would be interpreted by the board in line with meanings agreed to in advance by labor and management negotiators when the law was drafted. These commitments, he alleges, were made orally and never included in the bill.

From my own experiences and from other parties to the talks (lawmakers and farm workers' representatives; I had no contact with growers or Teamsters), I know that no such oral commitments were made. On its face, such a claim is ridiculous and unenforceable. Much of the bargaining featured all-day and all-night sessions (most of which Houston was not present for) and heated exchanges between the parties, all transmitted by Governor Brown. How can you expect that the parties would have remembered commitments on such sensitive issues in the same way, particularly since they were not together in the same room. The notion that special interests that appear before an independent state board could determine, before the law was passed, how the board would decide cases in which they have concerns is both absurd and unethical.

Houston's allegations that ALRB staff took sides "to protect the UFW from the Teamsters as much as from the growers" during the first years of the ALRB is a patronizing distortion of the truth. During that period, the UFW won the great majority of its elections and took many contracts away from the Teamsters, a remarkable achievement since any labor authority knows how difficult it is to defeat an incumbent union supported by the employer.

RICHARD ALATORRE
Assemblyman — 55th District

Legislative staff

I was astonished to read, in the December 1983 issue of *California Journal*, an article ("Join the Legislature and Learn a Trade") lamenting the sad state of legislative staffing.

The Assembly Utilities and Commerce Committee may be unusual in having two attorneys and a doctoral candidate, all experts in their respective fields, constituting its complement of consultants, but I have not detected lesser intelligence among my colleagues simply for lack of the right sheepskin. In fact, I have sometimes been staggered to discover how much learning has taken place among my younger counterparts, novices when they came in but now knowledgeable on the most esoteric topics.

Every time I leave the state, to attend a conference or lobby in Washington on an issue key to the state's interests, I am pleased at the many compliments directed at our Legislature. This year, our committee chairwoman (Assemblywoman Gwen Moore) authored the *only* legislation among the 50 states or the Congress to immediately address the changing telephone environment's threat to universal service. If our committee has been so far out in front, I must assume other committees — and their consultants — are doing similarly impressive things.

The article does not in any way measure accomplishments. It does not relate the day-to-day strain of matching wits with corporate advocates or other special interests large on resources and with more cards to play. The article is very distanced, indeed, from the reality of the conscientious consultant.

ROBERT JACOBSON
Consultant
Assembly Utilities and Commerce Committee

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A Guidebook to California Agriculture, by the faculty and staff of the University of California at Davis, edited by Ann Foley Scheuring, University of California Press, Berkeley, 1983. 416 pp. $32.50. An ambitious guide to the state's largest industry explores the major dimensions of California agriculture and all aspects of production, marketing, commodities, political and social influences, and technological developments.

California Has More Physicians than It Needs, Office of the Auditor General, 660 J Street, Suite 300, Sacramento 95814. November 1983. 34 pp. One dollar. The report concludes that California's surplus of physicians may contribute to the rising costs of health care and result in more unnecessary medical risks for patients.

Comparative Justice, Rand Institute for Civil Justice, Rand Corporation, 1700 Main Street, Santa Monica 90406. 1983. 91 pp. Based on a comparison of civil jury verdicts in San Francisco and Chicago, the study implies that California juries are more generous in monetary awards to plaintiffs.

California Legislative Vote Index 1983, California Public Interest Research Group, 46 Shattuck Square, Berkeley 94704. November 1983. 24 pp. $2.00. According to CALPIRG's annual analysis of legislators' votes on public interest issues, legislators voted for consumers less than half the time, and CALPIRG flunked the 1983 Legislature as a whole.

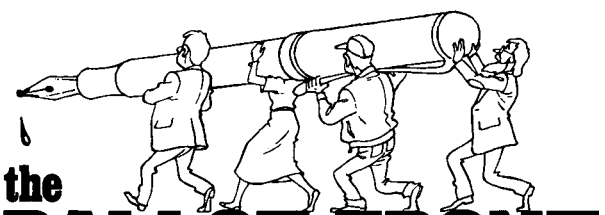
How You Can Help Anti-Trust Enforcement in California, Office of the Attorney General, Anti-Trust Section, 1515 K Street, Suite 511, Sacramento 95814. 1983. 7 pp. No charge. Written for the public, the pamphlet explains, in non-technical terms, how to recognize and understand violations of state anti-trust laws.

The State's Hazardous Waste Management Program: Some Improvement, But More Needs to be Done, Office of the Auditor General, 660 J Street, Suite 300, Sacramento 95814. November 1983. 55 pp. One dollar. Evaluates the Department of Health Services actions to improve the state's hazardous waste management program.

1983 State Legislative Wrap-up Bulletin, League of California Cities, 1400 K Street, Sacramento 95814. October 1983. 50 pp. Analyzes the impact of 1983 legislation on city governments.

Twenty Who Gave $16 Million: A Study of Money and Politics in California, 1975-1982, California Common Cause, 636 South Hobart Boulevard, Suite 226, Los Angeles 90005, 1983. $5.95 + $1 for postage and handling. An updated version of *Twenty Who Gave $10 Million* (1981). The report chronicles the way money — in the form of campaign contributions and fund-raising by politicians — dominates California politics, then offers some reforms.

Historical Trends in California Physician Manpower, 1966-1980, Office of Statewide Health Planning and Development, 1600 9th Street, Sacramento 95814. October 1983. Summary of report, 46 pp. The report documents an increase of 74 percent in the number of physicians practicing in California.



the BALLOT FRONT

A roundup of statewide initiative proposals. (Signatures required and deadlines are in parentheses.)

New in circulation:

- **GAMBLING AND LOTTERIES** — the 20th attempt to amend the state constitution to authorize lotteries, legalize gambling in selective locales and create a Public Gaming Control Commission. This initiative replaces one that failed in December. (630,136, May 7th)
- **NUCLEAR WEAPONS POLICY** — an initiative statute that requires the governor to write the president requesting that the United States declare that it will not be the first to use nuclear weapons. (393,835, May 7th)
- **TOBACCO** — an initiative statute that requires the state Department of Health Services to establish and conduct tobacco education programs. (393,835, May 7th)
- **PLEBISCITE** — an initiative constitutional amendment that gives the governor the right to call elections to alter or abolish statutory laws. (630,136, May 7th)

Continuing in circulation:

- **CRIMINAL COURT REFORM** — an initiative constitutional amendment affecting, among other things, the selection of juries and the number of jurors able to convict in criminal cases not involving the death penalty. (630,136, February 17th)
- **BALANCED FEDERAL BUDGET** — an initiative statute that requires the Legislature to send Congress a resolution calling for a constitutional amendment to balance the federal budget. (393,835, February 21st)
- **TAXATION** — a constitutional amendment, sponsored by Howard Jarvis, that amends Proposition 13 to close loopholes Jarvis claims have been opened by the courts. A similar petition was withdrawn by Jarvis in October 1983, and this version is identical to it except for technical changes in language. —630,136, March 19th)

Failed to qualify:

- **WELFARE** — an initiative statute that required welfare recipients to work as a condition of relief.
- **GAMBLING AND LOTTERIES** — an initiative constitutional amendment that authorized lotteries and legalized gambling in selective locales, plus created a Public Gaming Control Commission.
- **NUCLEAR WEAPONS** — an initiative statute that required the governor to write the president to urge United Nations control over all nuclear weapons.
- **ELECTION CAMPAIGNS** — an initiative statute that attempted to clean up political campaigns.
- **FIRE SAFETY** — an initiative statute that required the State Fire Marshal to establish fire safety standards for cigarettes and small cigars.
- **SOUTH AFRICA** — an initiative statute that forced all California state, county and municipal agencies to divest themselves of investments in South Africa.

Source: Secretary of State March Fong Eu.

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The rise and fall of Rita Lavelle

Rita Lavelle began her roller-coaster ride to political power and ultimate disgrace when Ronald Reagan was governor of California. Proximity to the corner office in the State Capitol in Sacramento was heady stuff for a young, eager groupie. Ambitious, hard-working, ideologically conservative, she appeared to have all the right qualifications to push her way up the ladder. A self-described go-fer, she started out doing modest chores in the press office and helped draft gubernatorial proclamations. She made the right connections; important people in Reagan's entourage became her patrons. After a stint as an executive for Aerojet-General, a space-age firm with plants in Sacramento and Southern California, she joined the Reagan administration in Washington as director of the $1.6 billion Superfund hazardous-waste cleanup program in the Environmental Protection Agency.

TODAY, AT 36, LAVELLE STANDS CONVICTED of having lied to congressional investigators probing cozy relationships between top EPA officials and industrial polluters. She has the dubious distinction of being the only high-level Reagan official found guilty of committing a crime in the performance of her official duties. Stubborn and loyal until the bitter end, she didn't snitch on higher-ups in the White House who kept their skirts clean while the EPA scandal raged. More than 20 agency officials, including Administrator Anne Burford, were forced out. But after an extensive investigation, the Justice Department decided only Lavelle should be brought to trial. Outwardly, she kept her pride and offered no maudlin repentance. Last February, after she refused to go along with a press release announcing her resignation, the president fired her.

The eight-day trial produced a portrait of a dedicated spear-carrier of the Reagan revolution who did her best to avoid sharp crackdowns against offending business firms. In following this approach, she simply carried out policy orders. But she went beyond that and showed so much zeal that she ended up blinding herself to the consequences. With great gusto, she plunged into the Washington game of rewarding friends and punishing enemies. Her fatal flaw was woeful inexperience and lack of skills to cover her tracks. When congressional committees turned the spotlight on EPA, Lavelle was tripped up while other officials scrambled out of harm's way.

The jury convicted her on four felony counts of perjury and obstruction of a congressional investigation. She faces a maximum of 20 years in prison as she awaits sentencing this month. Nobody expects her punishment to be that harsh. With her professional career already shredded, she probably will get off with a light term or a suspended sentence. Her specific crime is lying to Congress about when she first learned that her former employer, Aerojet, had dumped wastes at the Stringfellow Acid Pits near Riverside. She had testified that she first learned about Aerojet's involvement on June 17, 1982, and immediately removed herself from cleanup enforcement proceedings involving Stringfellow. The government, however, produced witnesses who said Lavelle knew of Aerojet's connection at least three weeks earlier and repeatedly ignored warnings to avoid a conflict of interest. The most damaging testimony came from John C. Andreason, Aerojet vice president and general counsel. He testified Lavelle phoned him at home on May 31, 1982 — more than two weeks before she claimed to have become aware of Aerojet's role — and tipped him off about the firm's potential liability. Under the Superfund program, the government provides cleanup funds but also must make sure that polluters pay their fair share. Andreason said Lavelle told him she supported a $4.5 million cleanup proposal instead of a higher $64 million price tag. As a relatively minor user of the Stringfellow dump, Aerojet wasn't about to incur a big expense in any case. The company didn't seem to need special favors from Lavelle. The prosecution contended she nevertheless went out of her way to give her former employer inside information because she wanted to "ingratiate" herself in hopes of getting a high-paying job once she left the government.

The jury acquitted Lavelle on a fifth felony count charging her with having lied when she denied she played partisan politics in managing the waste-cleanup program. There was evidence she timed critical cleanup decisions and announcements before the November 1982 elections to help Republican Senators John Danforth of Missouri and Richard Lugar of Indiana. Jurors also were told she looked forward to having an opportunity "to hit Governor Brown" by withholding EPA funds from California during the windup of his unsuccessful Senate campaign against Republican Pete Wilson. Asked whether she told her staff she wanted to hurt Brown, Lavelle replied, "I don't remember saying it, and I don't remember not saying it." In any event, it was sheer naivete to assume that the timing of an EPA grant could make a difference in the Brown-Wilson race. The jury ended up giving her the benefit of the doubt when she insisted that, while she may have talked about helping Republicans, political motives did not play a central role in her EPA decisions.

IN POLITICAL CIRCLES, that conclusion was greeted with considerable skepticism. The prosecution studiously avoided introducing evidence or witnesses who could have shed light on Lavelle's contact with White House political officials. Presidential counselor Ed Meese, who held the Bible at her swearing-in, did not rush to her defense. Lavelle's lawyers, hoping for sympathy, called her a "scapegoat." Prosecutor William Hendricks denied she'd been singled out for special retribution and pictured her as a tough-minded liar who tried to help GOP politicians and "buddies" in the chemical industry. "She's not the victim; she's the victimizer," he told the jury. "She's the one that said, 'We play hardball in California.' "

Still, Democrats on Capitol Hill were quick to charge she was a little fish sacrificed to protect bigger ones. "Lavelle is not the only liar who appeared before our committee and she is not the sole problem with EPA," said Congressman Elliott Levitas of Georgia. Representative James Scheuer of New York urged prosecutors to prod Lavelle to finger White House operatives with potentially greater culpability. But she steadfastly remained a loyal trooper. As Scheuer himself observed: "She served Reagan not wisely, but too well."

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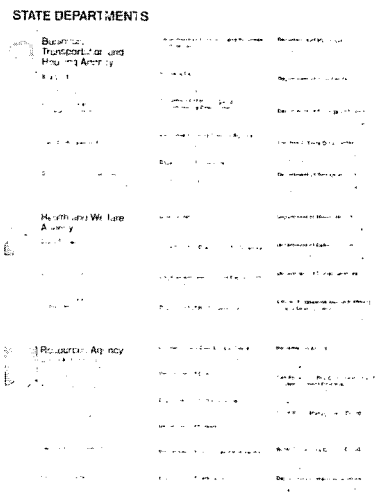

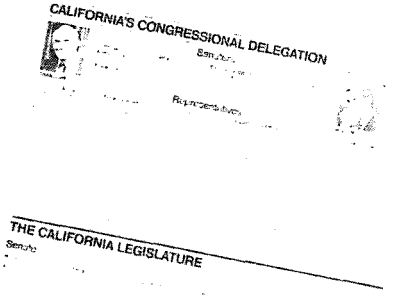

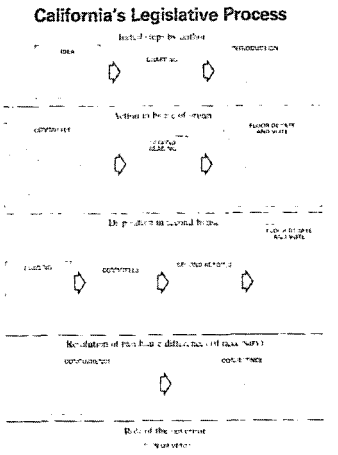

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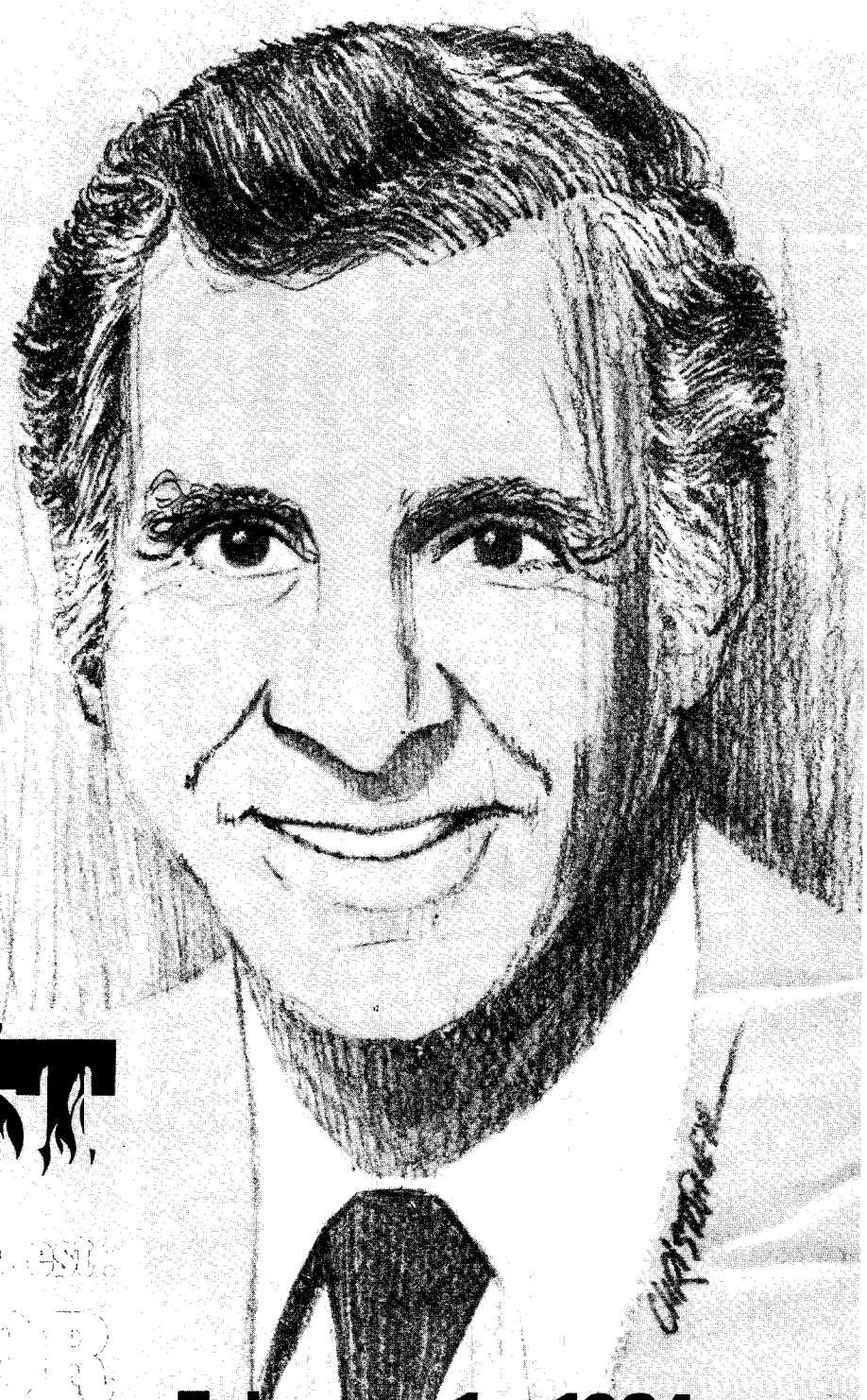

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